

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: ASBESTOS PRODUCTS : Civil Action No.
LIABILITY LITIGATION (NO. VI.) : MDL 875

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ROCKLYN JACOBS, as Executor of
the Estate of ROBERT JACOBS,
DECEASED,

Plaintiff, CIVIL ACTION NO.
2:06-cv-67882-ER

v.

AC&S, INC., et al.,

Defendant.

DEPOSITION UPON ORAL EXAMINATION
OF JAMES TATEM, SR.
TAKEN ON BEHALF OF THE DEFENDANTS

Norfolk, Virginia

October 29, 2010

Appearances:

LAW OFFICES OF PAUL A. WEYKAMP
By: PAUL A. WEYKAMP, ESQUIRE
Counsel for the Plaintiff

TADDEO STURM, PLC
By: MATTHEW D. JOSS, ESQUIRE
Counsel for the Defendants General Electric Co.
and Foster-Wheeler Corp.

2	4
1 Appearances: (Cont'd.)	1 Deposition upon oral examination of JAMES
2	2 TATEM, SR., taken on behalf of the Defendants, before
3 SPOTTS FAIN, P.C.	3 Donna R. Tanner, Court Reporter and a Notary Public for
4 By: PATRICIA J. TURNER, ESQUIRE	4 the Commonwealth of Virginia at large, taken pursuant
5 Counsel for the Defendants CBS Corporation and	5 to notice, commencing at 12:00 p.m., on October 28,
6 Ingersoll-Rand Company	6 2010, at the law offices of Paul Weykamp, 440
7 MILES & STOCKBRIDGE	7 Monticello Avenue, Suite 1800, Norfolk, Virginia; and
8 By: CARL R. SCHWERTZ, ESQUIRE	8 this in accordance with the Federal Rules of Civil
9 Counsel for the Defendants SB Decking Co., Inc.	9 Procedure.
10 f/k/a Selby-Battersby, Georgia-Pacific Corporation	10 - - - - -
11 and Mallinckrodt, Inc., f/k/a International	11 JAMES TATEM, SR., was sworn and deposed on
12 Minerals & Chemical Corp.	12 behalf of the Defendants as follows:
13	13
14 PIERCE, HERNS, SLOAN & McLEOD	14 EXAMINATION
15 By: KRISTIN B. FEHSENFELD, ESQUIRE	15
16 Counsel for the Defendants Amchem Products,	16 BY MR. JOSS:
17 Inc./Bayer Cropscience and Union Carbide	17 Q. Sir, could you please state your name for the
18 Corporation	18 record?
19	19 A. My name is James Tatem.
20 McKENRY, DANCIGERS, DAWSON & LAKE, P.C.	20 Q. Okay. Mr. Tatem, my name is Matthew Joss.
21 By: J. BRIAN SLAUGHTER, ESQUIRE	21 I'm going to ask you a series of questions today.
22 Counsel for the Defendants Uniroyal, Inc. and	22 A. Sure.
23 Waco, Inc.	23 Q. I'll start with a few ground rules. Let me
24 WILLIAMS MULLEN	24 ask you first, have you ever given a deposition before?
25 By: LYNN K. BRUGH, IV, ESQUIRE (via telephone)	25 A. No, sir.
Counsel for the Defendant Honeywell International	
FORMAN, PERRY, WATKINS, KRUTZ & TARDY (via telephone)	
By: VERNON M. McFARLAND, ESQUIRE	
Counsel for the Defendant International Paper	
Corporation	

3	5
1 I N D E X	1 Q. Have you ever testified in court before?
2	2 A. No, sir.
3 DEPONENT EXAMINATION BY PAGE	3 Q. Okay. I'll go over a couple ground rules.
4 James Tatem, Sr. Mr. Joss 4	4 I'm going to ask you some questions. I'm going to ask
5 Ms. Turner 67	5 you to give me verbal answers rather than a nod of the
6 Mr. Schwartz 76	6 head or shake of the head.
7 Ms. Turner 77	7 A. Okay.
8 Mr. Slaughter 78	8 Q. If you answer my question, I'm going to
9 Ms. Fehsenfeld 80	9 assume that you understood it and you're answering to
10 Mr. Schwartz 81	10 the best of your ability. Is that fair?
11 Mr. Brugh 82	11 A. Sure.
12 Mr. Weykamp 86	12 Q. If you don't understand my question, let me
13 Mr. Joss 98	13 know and I'll either ask it a different way or try and
14 Ms. Turner 99	14 clarify it to make sure you and I understand each
15 Ms. Fehsenfeld 100	15 other. Is that okay?
16 Mr. Slaughter 101	16 A. Yeah.
17 Ms. Turner 106	17 Q. If you need to take a break at any time, let
18	18 me know and we'll take a break.
19	19 A. Okey doke.
20 EXHIBITS	20 Q. You understand, sir, that we are here in the
21 NO. DESCRIPTION PAGE	21 case filed by a gentleman by the name of Robert Jacobs?
22 1 Handwritten Notes 52	22 A. Yes, sir.
23 2 List of Ships 52	23 Q. Let me say this first. I understand, sir,
24	24 that Mr. Weykamp is your attorney?
25	25 A. Yes, sir.

<p style="text-align: right;">6</p> <p>1 Q. Have you ever been diagnosed with an</p> <p>2 asbestos-related disease?</p> <p>3 A. Yes, sir.</p> <p>4 Q. And what disease is that?</p> <p>5 A. It's melo -- how do you say that word? The</p> <p>6 asbestos --</p> <p>7 MR. WEYKAMP: Asbestosis?</p> <p>8 THE DEPONENT: Yes. There was an indication</p> <p>9 that I had asbestosis, a slight indication on my lung.</p> <p>10 It seems like that was about 10 years ago.</p> <p>11</p> <p>12 BY MR. JOSS:</p> <p>13 Q. Okay.</p> <p>14 A. As a guess.</p> <p>15 Q. All right, sir. I'd like to ask you what</p> <p>16 you've done, if anything, to prepare for giving your</p> <p>17 testimony today?</p> <p>18 A. The only thing I did was jot down a few notes</p> <p>19 of some things I was trying to remember about some</p> <p>20 different people that Jacobs and I along the way worked</p> <p>21 on with several -- I've got several companies I thought</p> <p>22 that I could remember, but I just can't remember all of</p> <p>23 those things.</p> <p>24 Q. Okay.</p> <p>25 A. But just what I could basically remember, I</p>	<p style="text-align: right;">8</p> <p>1 Q. Okay.</p> <p>2 A. I actually plan on staying there. That's my</p> <p>3 retirement.</p> <p>4 Q. All right. Have you talked with anyone other</p> <p>5 than your lawyer about giving your testimony today?</p> <p>6 A. No, just my wife. Actually, yeah, I did.</p> <p>7 Pat Hankins, I think I told him. He's an older friend</p> <p>8 of mine that he used to be my boss, and actually Jacobs</p> <p>9 used to work for him, too. And he had an operation, so</p> <p>10 he's at home, so I stopped by to see him and say how</p> <p>11 you doing. And I think I told Pat that I was coming</p> <p>12 over here for a disposition -- what do you call it,</p> <p>13 disposition? Not disposition.</p> <p>14 MR. WEYKAMP: Deposition.</p> <p>15 THE DEPONENT: Deposition, I'm sorry. But,</p> <p>16 anyway, and -- oh, yeah, Robert was a good boy. Yeah.</p> <p>17 Pat Hankins.</p> <p>18</p> <p>19 BY MR. JOSS:</p> <p>20 Q. When did you talk to Mr. Hankins?</p> <p>21 A. Seems likes it was last Saturday actually I</p> <p>22 went over. He had just gotten back from out of the</p> <p>23 hospital and I stopped by. He lives right around the</p> <p>24 corner from me over there where I live.</p> <p>25 Q. Did you know that Mr. Hankins was going to be</p>
<p style="text-align: right;">7</p> <p>1 scribbled out a few little notes on a piece of paper.</p> <p>2 Q. Okay. May I see those?</p> <p>3 A. Sure.</p> <p>4 Q. All right, sir. And when did you make these</p> <p>5 notes?</p> <p>6 A. Between yesterday and this morning when I</p> <p>7 was -- I got here a little bit early. Actually, I got</p> <p>8 here an hour early because I wasn't sure -- I didn't</p> <p>9 realize this building was here. But, anyway, it's been</p> <p>10 a while since I been to downtown Norfolk, so I was</p> <p>11 scribbling trying to remember some of the thoughts that</p> <p>12 I -- I just can't remember all those companies and the</p> <p>13 different things that we worked with, but that's</p> <p>14 basically what I could remember.</p> <p>15 Q. You mentioned that you hadn't been to</p> <p>16 downtown Norfolk in a while. What's your current</p> <p>17 address?</p> <p>18 A. 4754 Kempsville Greens Parkway, that's in</p> <p>19 Virginia Beach, Virginia. Going too fast?</p> <p>20 Q. No.</p> <p>21 A. Virginia Beach, Virginia, 23462.</p> <p>22 Q. How long have you lived there?</p> <p>23 A. Almost 15 years now.</p> <p>24 Q. Okay. Any plans to move in the next year?</p> <p>25 A. No, sir.</p>	<p style="text-align: right;">9</p> <p>1 testifying in this case as well?</p> <p>2 A. No, sir. At that time, no, sir.</p> <p>3 Q. When were you first contacted about</p> <p>4 testifying in Mr. Jacobs' case?</p> <p>5 A. Gosh, seems like it was a couple of weeks</p> <p>6 ago. Is it on that letter? No, that's something else.</p> <p>7 That's just telling me how to get here and I had this</p> <p>8 in my little briefcase. It seems like it was 10 days</p> <p>9 ago. I'm not sure. I didn't know that was going to be</p> <p>10 important, or I don't know how important it is, but it</p> <p>11 seems like it was a week or 10 days, whatever.</p> <p>12 Q. All right, sir. And when you were asked to</p> <p>13 testify in Mr. Jacobs' case, were you shown any</p> <p>14 photographs or any pictures or any documents?</p> <p>15 A. Oh, no, no, sir.</p> <p>16 Q. Do you understand the purpose of your</p> <p>17 testimony here today?</p> <p>18 A. Just to prove that Robert had asbestos, I</p> <p>19 guess, asbestosis, or that's what he died from. That's</p> <p>20 all I know. I wasn't told or given any information</p> <p>21 otherwise.</p> <p>22 Q. Okay. Were you given any information about</p> <p>23 what products or other materials Mr. Jacobs may have</p> <p>24 worked with during his time?</p> <p>25 A. No, sir.</p>

<p style="text-align: right;">10</p> <p>1 Q. I take it that you and Mr. Jacobs worked 2 together at Norshipco?</p> <p>3 A. Well, actually I knew Robert earlier on as we 4 grew up sort of in the same general area. He went to 5 one school, high school, and then I went to another 6 high school. And then earlier on we kind of got -- we 7 used to go to the same restaurant and all that, 8 drive-in, and looked at the same cars. So I knew him 9 before he actually showed up at the shipyard because we 10 used to kind of generally pal around together Friday 11 night after the football game and stuff like that.</p> <p>12 Q. Okay.</p> <p>13 A. And then I graduated from high school and 14 then I went to the shipyard in 1960, thereabouts, or 15 actually it was October 6th, 1960. And I had been 16 there, and I finished my -- as an apprentice. I 17 started out as a helper. I took an apprenticeship for 18 four years.</p> <p>19 And I finished my apprentice program and 20 immediately thereafter they stuck me in as a 21 supervisor, and that was about '64-ish it seemed like. 22 That's when Robert showed up at the shipyard. We were 23 both surprised, you know. I hadn't seen him in a while 24 and he showed up as an apprentice then. And I was a 25 supervisor in that time frame. Seemed like it was like</p>	<p style="text-align: right;">12</p> <p>1 Q. Let's talk about the apprentice program. 2 What were you going in as an apprentice for?</p> <p>3 A. Sheet metal, sheet metal apprentice. Tin 4 knocker. Had no clue what it was.</p> <p>5 Q. You spent four years in that apprenticeship?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Classroom training involved?</p> <p>8 A. Yes, sir. It was like nine credit college 9 courses that we took for two years of college 10 basically. That's kind of what was said at the time 11 anyway.</p> <p>12 Q. How much of your time during the day as an 13 apprentice was spent in classroom training?</p> <p>14 A. We used to go for a week at a time. It -- 15 I'm trying to remember. Yeah, I think we went for -- 16 went a week of the month in that time frame, if I 17 remember that. That seems like it's right.</p> <p>18 Q. Okay. And then for the other three weeks of 19 the time, how much of that was spent, say, in the shop?</p> <p>20 A. Well, 8 to 10, 12, whatever hours they wanted 21 you to work. Back then there was no limit on how long 22 you could work. Like they come in with the union and 23 all that. Back then you could work 10, 12, 14, 24 24 hours a day, depending on the work that came up. It 25 was kind of tight.</p>
<p style="text-align: right;">11</p> <p>1 '64.</p> <p>2 But anyway, he came down to the ship on one 3 of these first -- actually, it was one of the first 4 Navy jobs we had on the -- the OZARK was the name of 5 it. And I started directing, and he got to be one of 6 my apprentice boys and I directed his work for jobs he 7 worked on, and that's where I picked up seeing Robert 8 again. Seems like it was 1964-ish, thereabouts.</p> <p>9 Q. Let me ask you this: When we're talking 10 about the shipyard, what shipyard are we talking about?</p> <p>11 A. It was Norshipco then. Actually, it was 12 Norfolk Shipbuilding and Drydock. They hadn't had the 13 new name or whatever.</p> <p>14 Q. Okay. But Norfolk Shipbuilding and Drydock 15 and Norshipco are the same thing?</p> <p>16 A. Yes, sir, what is now BAE. All of them are 17 the same.</p> <p>18 Q. All right, sir. Now, you started there in 19 October, 1960?</p> <p>20 A. Yes, sir, October 6th.</p> <p>21 Q. You spent little bit of time as a helper over 22 there?</p> <p>23 A. Started out as a helper for a few months, and 24 I got into the apprentice program and kind of stayed 25 there ever since.</p>	<p style="text-align: right;">13</p> <p>1 Q. But of the three weeks that you spent outside 2 the classroom in your sheet metal apprenticeship, how 3 much of that time was spent in the shop as opposed to 4 other parts of the yard?</p> <p>5 A. Oh, in the shop? Mostly with apprentices it 6 was more -- the larger amount of the time was spent on 7 the ship as opposed to the shop. It was kind of a 8 select few that got to work in the shop manufacturing 9 and building. They wanted you to have a variety of all 10 of the work, so they would keep you down on the ship, 11 all the areas of the ships, the different types of 12 ships. At times you would be up in the shop learning 13 how to build the ventilation, so it was sort of a 14 scheduled program.</p> <p>15 You'd spend some of your time in the shop, 16 but it wasn't hard and fast like it is today. They've 17 got an exact program, you know. Then it was kind of 18 wherever the foreman and supervisors wanted you to go 19 and be at the time, that's kind of like where you 20 worked. Probably if you want numbers or 21 percentage-wise, a thought of that would be like 30 22 percent of the time was basically in the shop, and then 23 the other 70 percent of the time would be on the ships 24 and on the yard and that type of thing, as a guess from 25 memory.</p>

<p style="text-align: right;">14</p> <p>1 Q. Okay. You mentioned something about 2 ventilation ducts? 3 A. Yes. 4 Q. I was going to ask you, what does a sheet 5 metal worker do at Norshipco? 6 A. Well, at Norshipco when you first start out 7 as an apprentice they teach you to manufacture and 8 build ventilation, and not only ventilation, sinks, 9 cabinets, doors, bulkheads and things that -- just 10 anything that's kind of basically out of sheet metal. 11 It was an eighth inch thick, point 125 or less was 12 considered sheet metal work, and above that it would be 13 the plate shop's responsibilities for the most part. 14 Q. So you worked with thinner metal? 15 A. Thinner gauges, yeah, like eighth of an inch 16 thick and less. And that was the big thing back then. 17 It was like, no, that's the shipfitter's, no, that's 18 the sheet metal, you know, that type of thing. 19 Q. So the ship rights and the shipfitters would 20 have heavier plates? 21 A. Yes, sir. 22 Q. Things like deck plats and the hull and 23 things like that? 24 A. Yes, sir, that's right. 25 Q. But your primary job was working with metal;</p>	<p style="text-align: right;">16</p> <p>1 A. Yes, sir. 2 Q. So if you as a sheet metal apprentice were 3 working onboard a ship, first of all you had someone 4 above you who you were assigned to; correct? 5 A. Yes, supervisors most generally. Lead men is 6 what they call them. 7 Q. Lead man? 8 A. Yes, sir. And each day they would tell you 9 where you were going and which jobs you would be on and 10 whether you were going to be on the ship or in the ship 11 or out in the field, wherever. 12 Q. If you were assigned to a ship, you could be 13 assigned anywhere onboard a ship as a sheet metal 14 apprentice; right? 15 A. Throughout the ship from the top to the 16 bottom, because I've been underneath boilers and I've 17 been all the way on top of the mast. 18 Q. The equipment itself that's on a ship at 19 Norshipco, that would be within the jurisdiction of the 20 machinist's department, correct, or the boilermakers or 21 whoever was assigned to work on that particular 22 machine? 23 A. I'm not sure I understand. 24 Q. You mentioned the boilers on a ship? 25 A. Yes, sir.</p>
<p style="text-align: right;">15</p> <p>1 correct? 2 A. With sheet metal, yes, sir. 3 Q. Now, Norshipco had a large work force in the 4 1960s? 5 A. About a thousand back then it seemed like and 6 less, thereabouts. 7 Q. Okay. Did it ever get more than that? 8 A. I think, yeah, it -- I'm thinking -- I think 9 like 2,500 or 3,000 people in the mid and early or late 10 '60s it seems like. That's just -- I'm not positive 11 about that. 12 Q. Okay. And there are a number of departments 13 at Norshipco? 14 A. Oh, yes, there are insulators or later on 15 there were insulators, pipe fitters, shipfitters, 16 inside and outside machinists, electricians, painters, 17 boilermakers. I said shipfitters, didn't I? 18 Q. Yes. 19 A. And plate shop, the labor department. Yes, 20 I'm thinking they got up to about 3,000 -- 21 Q. Okay. 22 A. -- back in that time frame. I don't remember 23 for sure. 24 Q. Okay. And each of these different 25 departments had their own jobs to do; correct?</p>	<p style="text-align: right;">17</p> <p>1 Q. The boilermakers would be responsible for 2 working on the boilers? 3 A. Oh, of course, yes, sir. They would be in 4 the boiler room working on boilers. 5 Q. Okay. 6 A. And, of course, we worked with them at 7 various times, too. As a sheet metal worker you 8 would -- for instance, underneath the boiler, there's 9 a -- naturally a drum, mud drum. The mud drum is 10 covered with some type of insulation and then that 11 insulation most generally is then wired in place, 12 mudded at areas that expose -- that come away from the 13 boiler. 14 And then the sheet metal guy is underneath 15 the boiler and it's like working underneath this table, 16 laying on your back and you're putting sheet metal on 17 the bottom of this boiler and then you wire it up and 18 strap it up and then you drill it to whatever, to the 19 fixtures to put it in place. That's some of the work 20 you do with the boilermakers. 21 And you also in those times frames would 22 assist the boilermakers by actually when they start 23 breaking down the drum itself to go inside of the 24 boiler, to take all the brick work and all of that out 25 of the interior of the boiler. Sheet metal workers</p>

<p style="text-align: right;">18</p> <p>1 back then would actually help the boilermakers at 2 different times go inside the boiler, help them pass 3 all the bricks out as you're breaking it out, that type 4 of thing, just a general assist.</p> <p>5 Q. You mentioned there was an insulating 6 department at Norshipco as well?</p> <p>7 A. My memory of the insulation department is in 8 the time frame of the late '60s it seems like -- no, 9 '70s, '74, '75 was kind of like when they started 10 having an insulation department. Because prior to 11 that, if there was insulation or piping insulation or 12 boiler insulation or any of those things that was in 13 your way of the work you had to do doing the 14 ventilation work down in the engine rooms or getting 15 over to some ventilation so you cut these flanges loose 16 or whatever, there wasn't any assigned insulators at 17 that time frame, you do it yourself.</p> <p>18 Q. Okay.</p> <p>19 A. And I'm thinking that it was very late '60s 20 and mid and early '70s before they actually had an 21 insulation department. That's what I -- to the best of 22 my memory, that's what I remember.</p> <p>23 Q. Did Norshipco ever use an insulating 24 contractor?</p> <p>25 A. Oh, yeah. Well, that's -- back then I</p>	<p style="text-align: right;">20</p> <p>1 go ahead and get it all tore out. Tell the supervisor, 2 the supervisor would tell us, You get it all tore out 3 and we'll go back and replace everything and make it 4 look nice and pretty like it's supposed to be, but I 5 ain't got people to send down there now to get that 6 done. So that's the way it worked, even in the middle 7 of tearing stuff out knowing that you didn't have to 8 put it back.</p> <p>9 Q. You mentioned somebody named Freddie. Who is 10 that?</p> <p>11 A. He's dead now. Fred Tillson. He's an old 12 buddy of mine. We used to have three plants back when 13 all this was happening at Norshipco. They were three 14 companies -- three plants, not one company, but they 15 had -- the mother company was the one in Berkley, the 16 secondary was the one in Brambleton right around the 17 corner here, and across the bridge from that was the 18 Southern plant.</p> <p>19 Q. Okay.</p> <p>20 A. And all these three plants, except the -- 21 well, the Southern plant did more -- catered more to 22 the sailing craft, wooden craft and all that sort of 23 stuff.</p> <p>24 But the reason why I went there with that was 25 Freddie was the insulator guy in charge of the</p>
<p style="text-align: right;">19</p> <p>1 remember -- that's what my little list was about.</p> <p>2 Q. This right here?</p> <p>3 A. I remember working with these guys like C. E. 4 Thurston and Staggerwall, Waco and Shelby [sic], but 5 Shelby [sic] and Staggerwall it seems like we used 6 to -- I don't know what kind of decking they got now is 7 what I was trying to remember, but back then they had 8 the terrazzo decking and all that. I remember 9 Staggerwall, Joe and them, these were two of the 10 companies that did the terrazzo decking. And C. E. 11 Thurston and Waco was two of the names that I kind of 12 remember that did the insulation removals.</p> <p>13 But how that would work, a lot of times, even 14 with these guys, we would tear this stuff all out and 15 it would be a total mess. And then to put it back, it 16 had to be a finished product so these guys would come 17 in and do the real doctoring up and re-insulating and 18 that type of stuff. But as you were going along and 19 you were told to get this sheet metal work done, get 20 this ventilation out of here or that type of thing or 21 these cabinets or the bulkheads, if it had any 22 insulation or glass or whatever on it, you'd tear it 23 out.</p> <p>24 I told him about a friend of mine that's dead 25 now, but that's what Freddie would tell us to do. You</p>	<p style="text-align: right;">21</p> <p>1 insulation department like I was in charge of the sheet 2 metal department in the Brambleton plant in that time 3 frame, and that was -- I don't remember when I went 4 there. It seems like it was mid '70s, somewhere along 5 in there, because they took me out in the '80s, that's 6 when Jacobs took my job in the Brambleton plant.</p> <p>7 Q. All right. When you started -- let's get 8 these locations together.</p> <p>9 A. Sure.</p> <p>10 Q. When you were an apprentice from 1960 to 11 1964, what location of the shipyard were you working 12 in?</p> <p>13 A. All three.</p> <p>14 Q. Okay.</p> <p>15 A. At times I'd work in the -- depending on the 16 workload. And if -- for the apprentices the workload 17 was -- if it was stable you'd stay in the Berkley 18 plant. But as things picked up in the Brambleton plant 19 and the Southern plant, they'd shift you over there, 20 the foreman would.</p> <p>21 Q. Okay.</p> <p>22 A. So it's possible that you would be working in 23 the mother plant, the Berkley plant, on a given day, 24 and that same day you could be shifted to Brambleton 25 and -- or even to the Southern plant in that time</p>

<p style="text-align: right;">22</p> <p>1 frame.</p> <p>2 Q. Let's talk about how these three plants were</p> <p>3 different. You said one of them catered more toward</p> <p>4 sailing ships?</p> <p>5 A. Right.</p> <p>6 Q. Which one was that?</p> <p>7 A. That was the Southern plant. It was the</p> <p>8 smaller of the three.</p> <p>9 Q. It could only handle certain size vessels?</p> <p>10 A. Certain size vessel and only had a couple</p> <p>11 hundred guys over there of the number I told you about</p> <p>12 earlier.</p> <p>13 Q. Okay. Which one was Brambleton now?</p> <p>14 A. It was the middle yard. It's the one over</p> <p>15 here by the Campostella Bridge. And usually the</p> <p>16 manpower over there, it seemed like it was -- tops</p> <p>17 would be like 300.</p> <p>18 Q. Okay. What kind of ships did they work on at</p> <p>19 Brambleton?</p> <p>20 A. The smaller crafts, the ARSs, the small Navy</p> <p>21 vessels, stuff that they could put on the railways and</p> <p>22 the small drydocks that they had over there, 300 foot</p> <p>23 vessels, stuff like that.</p> <p>24 Q. Okay. And then Berkley was the largest?</p> <p>25 A. Berkley was the largest. It could handle any</p>	<p style="text-align: right;">24</p> <p>1 shift or night shift as an apprentice?</p> <p>2 A. Night shift -- I'm sorry. Day shift, day</p> <p>3 shift.</p> <p>4 Q. Okay. And then you came out of the</p> <p>5 apprentice program in 1964 or '65?</p> <p>6 A. No, no. Yeah, you're right. I'm sorry, '65</p> <p>7 is when I graduated.</p> <p>8 Q. And you went straight to supervisor at that</p> <p>9 point?</p> <p>10 A. In a few -- in a matter of months, yes, sir.</p> <p>11 That's when I remember the OZARK showing up. That was</p> <p>12 one of the first and largest Navy vessels at that time.</p> <p>13 And it lasted, I don't know, eight or nine months it</p> <p>14 seemed like. It might have been longer. But that's</p> <p>15 kind of like where I met Robert along in that time</p> <p>16 frame.</p> <p>17 Q. When did the OZARK come into Norshipco?</p> <p>18 A. I'm not positive. I think I remember -- I</p> <p>19 graduated in '65, so it was a couple of months after</p> <p>20 that. It seemed like it might have been '65, '66, and</p> <p>21 it stayed for -- God, I don't know. It was crazy. I'm</p> <p>22 not sure how long it stayed. Eight or nine months. I</p> <p>23 don't think it was a year because I don't think back</p> <p>24 then they were getting year contracts, but that's what</p> <p>25 I remember.</p>
<p style="text-align: right;">23</p> <p>1 type ship.</p> <p>2 Q. Okay.</p> <p>3 A. Especially after they got the big drydock and</p> <p>4 all that.</p> <p>5 Q. Now, you say as an apprentice you could be</p> <p>6 assigned to any one of these or more than one in a</p> <p>7 given day; correct?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Did Norshipco work on three shifts when you</p> <p>10 were an apprentice?</p> <p>11 A. Again, it would depend on the workload. And,</p> <p>12 yes, they did work around the clock a lot of times.</p> <p>13 And then later on as -- I don't know the time frames,</p> <p>14 they started setting up three scheduled 8-hour shifts,</p> <p>15 but normally, depending on the workload, they would</p> <p>16 have two 12-hour shifts to make that 24 hours. Yes,</p> <p>17 sir, they did work around the clock a lot of times.</p> <p>18 Q. What was your assigned shift when you were an</p> <p>19 apprentice in terms of hours?</p> <p>20 A. Well, I used to hate the night shift. But I</p> <p>21 used to have to work day shift when it was assigned and</p> <p>22 a lot of times they put the apprentices on the night</p> <p>23 shift. I never liked it, but, yeah, I worked it many a</p> <p>24 time.</p> <p>25 Q. Would you spend more of your time on day</p>	<p style="text-align: right;">25</p> <p>1 Q. Norshipco's work was contract work; correct?</p> <p>2 A. Yeah.</p> <p>3 Q. Let me ask you this: You talked about how</p> <p>4 you moved around as an apprentice, you'd go from one</p> <p>5 yard to the next to the next?</p> <p>6 A. Uh-huh.</p> <p>7 Q. Would you be assigned different supervisors</p> <p>8 each time?</p> <p>9 A. Yeah.</p> <p>10 Q. So you could work for more than one</p> <p>11 supervisor in a day?</p> <p>12 A. Yeah, even in the same plant.</p> <p>13 Q. Okay. You might be working with one man in</p> <p>14 the morning and then break for lunch and work for</p> <p>15 somebody else in the afternoon?</p> <p>16 A. Very possible.</p> <p>17 Q. Either at Brambleton or you could have been</p> <p>18 moved over to Southern or somewhere else?</p> <p>19 A. Berkley, Brambleton. Southern probably not</p> <p>20 because it was small. You'd have to go over there to</p> <p>21 fix a stove or a piece of ventilation on one of the</p> <p>22 yachts or whatever, but most generally when you went</p> <p>23 over there you only worked with the one guy.</p> <p>24 The other two plants, yeah, you could work</p> <p>25 with a couple of supervisors during the day. One might</p>

<p style="text-align: right;">26</p> <p>1 be doing DH in a given sandblasting area, and then you</p> <p>2 get that finished and Carpenter needs you over here to</p> <p>3 work on a stove, Carpenter being his name.</p> <p>4 Q. What is DH?</p> <p>5 A. Dehumidifying systems. Back then they used</p> <p>6 to sandblast the tanks inside and we had to run all the</p> <p>7 ventilation down inside to blow fresh air in and suck</p> <p>8 stale air out.</p> <p>9 Q. So part of your job as a sheet metal worker</p> <p>10 at Norshipco was to set up temporary ventilation for</p> <p>11 the other trades?</p> <p>12 A. Well, no, not for the other -- well, that was</p> <p>13 for the painters and blasters, especially for them and</p> <p>14 only for them and not for the other trades. Because</p> <p>15 there was a ventilation department later on that used</p> <p>16 to set up the ventilation for the -- on the ship's</p> <p>17 jobs.</p> <p>18 Q. You say that you met Robert Jacobs again at</p> <p>19 the shipyard after you came out of the apprentice</p> <p>20 program?</p> <p>21 A. No, I was still in the apprentice program, I</p> <p>22 think, when he showed up. I'm trying to get the years</p> <p>23 right because I graduated in '65, from memory. He</p> <p>24 showed up about '64, but when I -- the time frame that</p> <p>25 he came into the job the OZARK was there. But I was a</p>	<p style="text-align: right;">28</p> <p>1 knows Jacobs.</p> <p>2 Q. Is it Bland, B-L-A-N-D?</p> <p>3 A. Yeah, Skipper. I can't remember his first --</p> <p>4 his real name.</p> <p>5 Q. What was Bland's position?</p> <p>6 A. He was the supervisor back then, higher up,</p> <p>7 you know.</p> <p>8 Q. Was he like a foreman?</p> <p>9 A. No, he wasn't a foreman. He was still called</p> <p>10 a lead man. The foreman was Fitzgerald. He's dead and</p> <p>11 gone, too. Dave Fitzgerald.</p> <p>12 Q. So Bland was a supervisor but he was your</p> <p>13 boss?</p> <p>14 A. Yeah.</p> <p>15 Q. You were a supervisor but a newer one?</p> <p>16 A. Yeah, right. Yeah, right.</p> <p>17 Q. And then Jacobs came to you and he was an</p> <p>18 apprentice?</p> <p>19 A. He was an apprentice in the apprentice</p> <p>20 program at that time. Like I say, I got my years</p> <p>21 backward right close. But, anyway, in that time frame</p> <p>22 he was an apprentice that was brought in to me to work</p> <p>23 on the OZARK.</p> <p>24 Q. Okay. What was your job on the OZARK at the</p> <p>25 time that Jacobs first arrived?</p>
<p style="text-align: right;">27</p> <p>1 supervisor so it had to be -- I said '64 when he came</p> <p>2 over. He must have started in his apprenticeship.</p> <p>3 I'm trying to get my years -- I got them</p> <p>4 crossed. Because I got out in '65, I was a supervisor.</p> <p>5 I don't remember him coming in that space on the OZARK</p> <p>6 later on, so he was an apprentice and had started and</p> <p>7 was working in other jobs as an apprentice, and then</p> <p>8 when I was made supervisor and was assigned to the</p> <p>9 OZARK, he showed up one day. Skipper Bland brought him</p> <p>10 in and said, Guess who I got for you? And that's when</p> <p>11 I first saw Robert, so it must have been in '65 as</p> <p>12 opposed to '64 when he actually started his</p> <p>13 apprenticeship. So he could have been like a second</p> <p>14 year apprentice as far as my timing goes.</p> <p>15 Q. First time you recall seeing him out in the</p> <p>16 yard though was on the OZARK?</p> <p>17 A. Was on the ship called the OZARK. Yeah,</p> <p>18 that's what I kind of remember. I mean, that was one</p> <p>19 of the jobs they brought him down and said, Here's a</p> <p>20 new man.</p> <p>21 Q. You gave the name of someone who brought him</p> <p>22 down. Who was that?</p> <p>23 A. Skipper Bland, and he lives in Carolina. I</p> <p>24 didn't know how to get in touch with him. I was going</p> <p>25 to say you could talk to him about Jacobs because he</p>	<p style="text-align: right;">29</p> <p>1 A. Well, back then everything was worked by</p> <p>2 specification and they had given me what -- a set of</p> <p>3 specs to work all these jobs, an assistant -- Skipper</p> <p>4 Bland, again, from the way I'm remembering, he was</p> <p>5 basically responsible for me and he'd tell me which set</p> <p>6 of the -- what area of the specs for me to make happen</p> <p>7 that type of thing.</p> <p>8 Q. You were doing sheet metal work?</p> <p>9 A. Yeah, throughout the ship, again, from top to</p> <p>10 bottom.</p> <p>11 Q. Now, the Navy owned the OZARK; correct?</p> <p>12 A. Correct.</p> <p>13 Q. That was a Navy ship, and the Navy came to</p> <p>14 Norshipco or Norfolk Shipbuilding and Drydock,</p> <p>15 whichever name it was, they came to the yard and said,</p> <p>16 We want you to do these jobs and here are the specs?</p> <p>17 A. Well, it gets -- there's some -- all the</p> <p>18 estimators, they do all the estimating of all these</p> <p>19 jobs, and then the award goes out to the contractor</p> <p>20 that bids the best price. And then, yes, you get a set</p> <p>21 of specifications that includes all the different</p> <p>22 shops. And then those superintendents, they have these</p> <p>23 meetings and then they direct who gets what part of the</p> <p>24 specification in accordance with the type of work that</p> <p>25 you did.</p>

<p style="text-align: right;">30</p> <p>1 Q. Okay.</p> <p>2 A. All the sheet metal work would go to the</p> <p>3 sheet metal shop, the specifications, the drawings and</p> <p>4 all that type of stuff, and then from there you start</p> <p>5 doing the jobs. And then there were several</p> <p>6 supervisors like me working for Skipper as the lead, I</p> <p>7 guess would be the right word back then, the lead</p> <p>8 supervisor, and he would make sure we did all of our</p> <p>9 work right. And we'd assign jobs to the different guys</p> <p>10 that were given to us. That's kind of the pecking</p> <p>11 order.</p> <p>12 Q. The way it generally worked though is that</p> <p>13 the Navy knew it needed to get some work done on the</p> <p>14 OZARK?</p> <p>15 A. Right.</p> <p>16 Q. It sent out --</p> <p>17 A. Specifications.</p> <p>18 Q. -- specs to the different yards and said,</p> <p>19 Bid the job?</p> <p>20 A. Right.</p> <p>21 Q. And basically the low bid won?</p> <p>22 A. The contract, right.</p> <p>23 Q. So Norshipco won the contract?</p> <p>24 A. Correct.</p> <p>25 Q. Because it knew what work needed to be done</p>	<p style="text-align: right;">32</p> <p>1 A. To make it happen, yes, sir.</p> <p>2 Q. All right. When Jacobs was first aboard the</p> <p>3 OZARK that you saw him, he was an apprentice?</p> <p>4 A. From my memory, yes, sir.</p> <p>5 Q. So he would have been just like you were, he</p> <p>6 would have been assigned to different supervisors on</p> <p>7 different days and different parts of the yard;</p> <p>8 correct?</p> <p>9 A. No, not -- what would happen -- when he was</p> <p>10 assigned to me on that job, he -- I was his boss at</p> <p>11 that time.</p> <p>12 Q. Right.</p> <p>13 A. And as long as he stayed on the OZARK, he</p> <p>14 reported to me.</p> <p>15 Q. Okay. But he might work for you for half a</p> <p>16 day and then go off to some other ship or go over to</p> <p>17 Brambleton or somewhere else?</p> <p>18 A. From some of the conversation that I said</p> <p>19 earlier it might seem that way, but in this situation</p> <p>20 where there was a -- this was a big job. Jacobs, Joe,</p> <p>21 Fred, Frank, all these were sort of permanently</p> <p>22 assigned to that job for the duration of that contract.</p> <p>23 Q. Okay. Obviously --</p> <p>24 A. Because it was such a large job is why they</p> <p>25 assigned people instead of jumping them all around.</p>
<p style="text-align: right;">31</p> <p>1 and how much it would cost for them to do it?</p> <p>2 A. Right.</p> <p>3 Q. But it was the Navy that determined what jobs</p> <p>4 actually got done on the ship; correct?</p> <p>5 A. No, they didn't determine -- well, they did</p> <p>6 have surveyors on the job following the work, but they</p> <p>7 didn't determine which jobs had to be done. They knew</p> <p>8 all the work in that package had to be done and it was</p> <p>9 up to Norshipco to get it done at their discretion and</p> <p>10 assigning the people as they saw fit and make it</p> <p>11 happen.</p> <p>12 Q. But the actual jobs that got down, the actual</p> <p>13 tasks and things that needed to be fixed or overhauled</p> <p>14 or whatever on the ship, the Navy decided what got</p> <p>15 done?</p> <p>16 A. Correct.</p> <p>17 Q. Okay. So if a particular piece of equipment</p> <p>18 were going to get worked on or not worked on, that's</p> <p>19 the Navy's call; correct?</p> <p>20 A. Correct.</p> <p>21 Q. And Norshipco said, We can do that job for</p> <p>22 this price?</p> <p>23 A. Uh-huh.</p> <p>24 Q. And then Norshipco assigns whoever they need</p> <p>25 to do it?</p>	<p style="text-align: right;">33</p> <p>1 That was some of the problems they were having back</p> <p>2 then. Well, I needed him to -- you know, no. When</p> <p>3 Jacobs was assigned to that job, as well as the other</p> <p>4 guys that were assigned, like me, I was on it, that was</p> <p>5 my job until it was completed.</p> <p>6 Q. Okay.</p> <p>7 A. In that situation and in that time frame.</p> <p>8 That was when they just started getting into some of</p> <p>9 the -- instead of jumping everybody around playing</p> <p>10 stupid games, keep these guys on this job and get this</p> <p>11 job done.</p> <p>12 Q. You gave me a bunch of names there a minute</p> <p>13 ago, Joe and Frank?</p> <p>14 A. Oh, they were just arbitrary. They wasn't</p> <p>15 anybody.</p> <p>16 Q. Do you remember who else was assigned to work</p> <p>17 with you in the sheet metal department on the OZARK?</p> <p>18 A. Wow, no, I don't. I'm sorry. I wished I --</p> <p>19 Q. Obviously Mr. Jacobs as an apprentice would</p> <p>20 have done his classroom time as well?</p> <p>21 A. Oh, yeah. When his school time came up he</p> <p>22 had to go to school that week.</p> <p>23 Q. Would you get a different apprentice?</p> <p>24 A. Not necessarily an apprentice. I would get</p> <p>25 somebody to fill in that spot for that week. And I'm</p>

<p style="text-align: right;">34</p> <p>1 trying to remember, was it a week? I'm going to have 2 to leave it there because that's the way I remember it, 3 as a week for that time.</p> <p>4 Q. Do you remember who any of those people were 5 that filled in during Mr. Jacobs' classroom week?</p> <p>6 A. I'm sorry. I really don't.</p> <p>7 Q. Okay. You said you thought the OZARK might 8 have been in the yard eight or nine months?</p> <p>9 A. Yeah, it seems like it. Because that was one 10 of the first largest contracts we had government-wise 11 for any kind of time. That was why they set up to have 12 the -- to keep the people on the job working as opposed 13 to this jump here, jump there that did happen.</p> <p>14 Q. Did the OZARK come into the yard before Mr. 15 Jacobs got to you?</p> <p>16 A. Oh, yeah.</p> <p>17 Q. Do you know how long it had been there?</p> <p>18 A. No, sir, I don't.</p> <p>19 Q. Could it have been a couple of months?</p> <p>20 A. It could have been.</p> <p>21 Q. Okay. And then for -- and then for an 22 additional one week out of every month, Mr. Jacobs 23 would have been off the OZARK doing something else, 24 doing his classroom training?</p> <p>25 A. Say that again.</p>	<p style="text-align: right;">36</p> <p>1 time the furniture, the berthing compartments and all 2 they're modular units, units that are made of metal so 3 you can get them through the doors in spaces like that 4 and then you assemble them in place. You got to put 5 all the sides in, the fronts, the back, the top, and 6 you put the drawers in and then you built the berths 7 and you got to build stuff, structures to the bulkheads 8 that allows the berths to be hung on them so that 9 they'll fold up and down.</p> <p>10 Q. And the drawers that went underneath the 11 racks?</p> <p>12 A. The drawers, metal drawers. And then in the 13 sculleries you got the stainless steel fixtures and 14 cabinets and dishwashing machines and that type of 15 stuff. Everything like in your house is basically 16 there on the ship, but it's made of sheet metal. And 17 then it's made of modular units so you can get it 18 through these restricted doors, 27 inch doors, 32 inch 19 doors, that type of thing.</p> <p>20 Q. Even things like tables and chairs would have 21 been made of metal?</p> <p>22 A. Yes, sir, for the most part so that you 23 attach them to the deck and those clips have to be made 24 to the deck so they won't roll about.</p> <p>25 Q. So the sheet metal workers were one of the</p>
<p style="text-align: right;">35</p> <p>1 Q. Obviously the job had already started when 2 Jacobs arrived?</p> <p>3 A. Yes, sir.</p> <p>4 Q. So he missed maybe a few months of that?</p> <p>5 A. Few months, yes, sir.</p> <p>6 Q. And then after he arrived, one week of every 7 month he was off the ship doing his classroom training 8 for his apprenticeship; correct?</p> <p>9 A. Yes.</p> <p>10 Q. What areas of the ship was Mr. Jacobs 11 assigned to on the OZARK?</p> <p>12 A. Well, I think it was like 386 or 400 hundred 13 departments on that -- compartments, not departments on 14 that whole ship. It might have been more. He could 15 have been involved with any number of them, living 16 spaces, berthing spaces, galleys, sculleries, engine 17 room. As the work was generated by the specs or 18 following the work, building bulkheads, new 19 compartments, new ventilation, new furniture, new 20 cabinets, he would be involved in generally that type 21 of work throughout the time.</p> <p>22 Q. When you say things like furniture and 23 cabinets, you talking about like desks, chairs, wall 24 cabinets?</p> <p>25 A. Yes, sir, made of metal. And most of the</p>	<p style="text-align: right;">37</p> <p>1 departments, one of the trades that really spent their 2 time in virtually every area of the ship?</p> <p>3 A. For the most part, yes, sir, including the 4 engine rooms, generators room, boiler rooms, pump rooms 5 and all these different rooms I mentioned like that are 6 on all -- most all ships for the most part, even 7 commercial jobs to some degree.</p> <p>8 Q. Let's talk specifically about the OZARK. Do 9 you have a specific recollection of what compartments 10 Mr. Jacobs was assigned to on the OZARK?</p> <p>11 A. The only thing that comes to mind that Jacobs 12 probably was involved with quite a bit was the -- the 13 different areas throughout the ships where we were 14 building these new rooms out of metal joint bulkheads. 15 They call them MJ bulkheads. And the reason for that 16 is that the design of the bulkhead itself is made like 17 a J, and you take one J and back it up to another J and 18 you bolt all that together.</p> <p>19 Then those rooms got insulated. There would 20 be areas in the overhead that we had to knife slice 21 insulation in the overhead to put the flat bar -- the 22 six inch drop flat bar that you tack weld up there. 23 Sorry to talk with my hands.</p> <p>24 Q. That's all right.</p> <p>25 A. And we go through and cut out all the</p>

<p style="text-align: right;">38</p> <p>1 insulation and the welders would come back with you</p> <p>2 working off of scaffolding and you tack them to the</p> <p>3 drop from the ceiling, and then you attach these</p> <p>4 bulkheads to this riveting vertically and horizontally,</p> <p>5 that type of thing, making ways for the doors.</p> <p>6 Q. These MJ bulkheads, where on the ship were</p> <p>7 these being installed?</p> <p>8 A. Throughout for new berthing spaces, for new</p> <p>9 living space, for new lounges, for new libraries and</p> <p>10 basically building a house within a house made out of</p> <p>11 sheet -- I mean, in the ship made out of sheet metal.</p> <p>12 Q. A lot of this work was done on sort of the</p> <p>13 upper decks; correct?</p> <p>14 A. No, these were the below decks, main deck and</p> <p>15 below, that type of thing, where all the berthing</p> <p>16 spaces were. And running new ventilation, putting</p> <p>17 in -- he could have been working in the scullery</p> <p>18 putting in new washing machines. He could have been</p> <p>19 working in mess decks putting in the new tables and</p> <p>20 seating areas. Back then we did all that. And</p> <p>21 building new countertops for the serving lines for the</p> <p>22 galley, you know, stainless steel tray lines that the</p> <p>23 trays slide on, the sailors, guys are walking through,</p> <p>24 just a variety of all different kinds of sheet metal</p> <p>25 work.</p>	<p style="text-align: right;">40</p> <p>1 when you were on the OZARK where you were not working</p> <p>2 with --</p> <p>3 A. Fifty years.</p> <p>4 Q. -- Mr. Jacobs, is that fair?</p> <p>5 A. There were times that I wasn't --</p> <p>6 Q. Times where you were on the OZARK and you</p> <p>7 were not working with Mr. Jacobs?</p> <p>8 A. Absolutely, yes, sir.</p> <p>9 Q. Likewise, there were times when Mr. Jacobs</p> <p>10 might have been working on the OZARK, but not with you?</p> <p>11 A. Correct, that very easily did happen.</p> <p>12 Q. Okay. You said something about -- I forget</p> <p>13 the word you used, was it auditors or inspectors?</p> <p>14 A. Naval surveyors. You talking about</p> <p>15 government work?</p> <p>16 Q. Yes, sir. Let's talk a little bit about</p> <p>17 them.</p> <p>18 A. I don't know too much about them other than</p> <p>19 they were government employees that were assigned to</p> <p>20 the OZARK back then, and I -- I didn't deal with them</p> <p>21 too much because it was -- they were just responsible</p> <p>22 for the Navy work through the superintendents, and back</p> <p>23 then the superintendents were somebody -- a job you</p> <p>24 wanted to work for, but didn't -- but anyway, yeah.</p> <p>25 Q. So the surveyors would come through and make</p>
<p style="text-align: right;">39</p> <p>1 Q. Okay.</p> <p>2 A. He would have been not necessarily assigned</p> <p>3 to just this piece. It's not like the Navy yard, if</p> <p>4 you will. A lot of guys get in there and that's all</p> <p>5 they ever do, which is the same thing over and over,</p> <p>6 which is fine if it has to happen that way. But</p> <p>7 Norshipco, you just work on some of all of it. It's --</p> <p>8 it's not madness, but --</p> <p>9 Q. Let me ask you this: Was Mr. Jacobs ever</p> <p>10 assigned to a supervisor or a sheet metal mechanic, for</p> <p>11 lack of a better term, other than you on the OZARK?</p> <p>12 A. I'm trying to remember. Yeah, you know what?</p> <p>13 He worked with Sam Kurzer, who is no longer with us.</p> <p>14 He worked with Sam K-U-R-Z-E-R, and I remember him</p> <p>15 working for Sam.</p> <p>16 And he very easily could have worked with who</p> <p>17 was my boss and our boss, with Skipper Bland also.</p> <p>18 Skipper is still here, as far as I know. He's in</p> <p>19 Carolina. I can't think of any of the other</p> <p>20 supervisors. I know there was probably Carpenter. Of</p> <p>21 course, he's dead and gone, L. J. Carpenter. He worked</p> <p>22 for him on there. Carpenter, Skipper, Sam. I -- I</p> <p>23 can't remember any other guy. We're talking 60 years</p> <p>24 ago.</p> <p>25 Q. Would it be fair to say that there were times</p>	<p style="text-align: right;">41</p> <p>1 sure that the work was done to the Navy specs?</p> <p>2 A. Yeah, coordinated through a superintendent.</p> <p>3 A Norshipco superintendent would keep the Naval</p> <p>4 surveyors happy.</p> <p>5 Q. The Naval surveyors were the folks that</p> <p>6 signed off when the work was done right?</p> <p>7 A. Correct.</p> <p>8 Q. If the work wasn't done to their</p> <p>9 specifications, they could deny it and make the work</p> <p>10 get redone; correct?</p> <p>11 A. That's correct.</p> <p>12 Q. If Norshipco wants to get paid and stay on</p> <p>13 budget, they did the work that they Navy wanted them to</p> <p>14 do?</p> <p>15 A. All the work had to be agreed to and signed</p> <p>16 off.</p> <p>17 Q. And that also went for doing work that the</p> <p>18 Navy didn't pay for? For example, a sheet metal</p> <p>19 mechanic can't just go do a job if it's not part of the</p> <p>20 specs; correct?</p> <p>21 A. That's right. That was what they call a</p> <p>22 change notice had to make that happen. A change notice</p> <p>23 would be written by the supervisor, to the</p> <p>24 superintendent, to the surveyor, the Naval surveyor,</p> <p>25 and then they'd agree on that, and this is how much it</p>

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1 is going to cost, and then it would work itself back
2 down in the form of a change notice.

3 Q. Even the materials that you use, I know you
4 worked a lot with metal that was an eighth thick and
5 thinner, but even the composition of the metal that you
6 would use for these MJ bulkheads and everything else,
7 that was controlled by the Navy; correct?

8 A. Correct. There were specifications that you
9 had to make it from.

10 Q. And the Navy had lists of approved suppliers
11 for their materials, you had to get them from the --
12 for example, the companies that made the metal, the
13 aluminum or steel or whatever it was, the Navy told the
14 shipyard what companies they could go to to get it?

15 A. From my memory that's probably the way it had
16 to work.

17 Q. Okay. Did you as a sheet metal worker on the
18 OZARK use anything that you believed contained asbestos
19 yourself?

20 A. I couldn't really tell you that because I
21 don't -- to this day I don't really absolutely know
22 what asbestos -- if I had a piece here that was
23 asbestos and a piece here that wasn't asbestos, I
24 absolutely wouldn't know that I could say that's
25 asbestos and that's just insulation.

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1 I -- it was there. Whatever those materials
2 were, I know that we used to go down in -- in a given
3 situation if you go in a fan room, you got to make
4 access to the ventilation. There was piping in the way
5 and it had cloth on it and then underneath the cloth
6 was the -- a white substance that if you cut that
7 substance and all that, it would kind of make like a
8 powder and all that stuff. And a lot of times it
9 looked like a snow storm in some of these areas that
10 we'd go in.

11 And at that time frame we did not -- to my
12 knowledge we did not have a per se insulation
13 department that did this, so you had to do it to get to
14 your ventilation work or whatever where you pull this
15 out, get the insulation aside. That's kind of what
16 like I remember. And then these guys here would come
17 back later on, fix it up, doctor it all up.

18 Q. Did you need permission to take any of that
19 insulation off?

20 A. Not back then. You just do -- especially on
21 commercial jobs -- getting away from the OZARK, on a
22 commercial job where a job was in, it had to be done,
23 get it done, get to that ventilation, get it cut out of
24 there because it's deteriorated and it needs to be
25 replaced. So you've got to kind of work your way into

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1 the space. If it was in a fan room, you go in and move
2 the -- whatever interferences was in your way, you'd
3 get that out of the way so you could go get to do what
4 you had to do with the chisels and all that and cutting
5 access holes.

6 And many is the time that I had moved it and
7 Jacobs, too, and the rest of the sheet metal workers
8 because I think I mentioned earlier on that there
9 wasn't an insulation department. So we knew that
10 somebody was going to come fix it, but that's what --
11 that wasn't our concern at the time. Our concern at
12 the time was to get that ventilation out or get those
13 flanges broke loose and make access however you had to
14 do it.

15 Q. You're talking about pipe insulation. Fair
16 to say you don't know what that insulation was made of
17 correct?

18 A. No, sir.

19 Q. You don't know how old it was?

20 A. Don't have a clue. Even then I didn't know
21 and today I don't know.

22 Q. Okay. Whatever material was on there was
23 something that the Navy had instructed to be put on
24 there?

25 A. The Navy, yes, and commercial-wise, yes.

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1 Q. Okay.

2 A. And that was something that was put on by
3 others that no telling where or when, you know,
4 whenever the ship was built and whatever it was built
5 out of, that type of thing.

6 Q. Other than the OZARK, did you work with Mr.
7 Jacobs on any other ships whose names you recall?

8 A. Yeah. I gave Paul several names that I --

9 MR. WEYKAMP: This is all he had in response
10 to the notice.

11 THE DEPONENT: The only thing I had was these
12 names, and those were -- that is some information that
13 I had left over from the shipyard. I didn't have any
14 real reason to have it other than it was in my box, and
15 that was about the only thing I could find. I tried to
16 find anything you-all might need to support, you know,
17 but I don't have any absolute memory other than the
18 OZARK. It just happened to be the one I thought about.

19 I do remember working -- Jacobs working with
20 me on the ARSs, and I didn't see any of those, and
21 those were the repair ships that worked repairing the
22 anti -- damn, I can't think of them.

23 MR. JOSS: Let me ask you this:

24 MR. WEYKAMP: If I can just say, this is a
25 trans -- telefax transmission sheet from Mr. Tatem.

<p style="text-align: right;">46</p> <p>1 You'll see it's got one, two and three.</p> <p>2 THE DEPONENT: Mine sweepers, mine sweepers.</p> <p>3 MR. WEYKAMP: That's actually communication</p> <p>4 between counsel.</p> <p>5</p> <p>6 BY MR. JOSS:</p> <p>7 Q. All right. Let me ask you this about this</p> <p>8 list. Where did this list come from?</p> <p>9 A. I can't absolutely tell you because I don't</p> <p>10 remember. I know it was in my files -- files, it was</p> <p>11 in my old box I had at home. This is a list of ships</p> <p>12 that I worked on. Jacobs worked on any given number of</p> <p>13 them. The ones with the checkmarks was the ones I</p> <p>14 thought he might have possibly worked on, could have.</p> <p>15 It's an almost maybe type thing.</p> <p>16 Q. Right. You can't say for sure?</p> <p>17 A. No, sir.</p> <p>18 Q. Okay.</p> <p>19 A. It's a list that I had left over from when I</p> <p>20 worked at the shipyard. I didn't save a whole lot of</p> <p>21 files. There was no need. I said, Don't need any of</p> <p>22 this stuff anymore, and I just found that and was</p> <p>23 looking at it because Paul had asked me did I remember</p> <p>24 Jacobs and the specific ships that he worked with me</p> <p>25 on. And the only ones I could think on was the</p>	<p style="text-align: right;">48</p> <p>1 A. No, sir.</p> <p>2 Q. So you can't say whether or not even you were</p> <p>3 on all these ships?</p> <p>4 A. No, sir.</p> <p>5 Q. There's a piece of paper that's taped to --</p> <p>6 A. I did that. Those are the names of the</p> <p>7 people I could think of and -- I mean, I could have</p> <p>8 made a list much longer than that, but I really didn't</p> <p>9 want to.</p> <p>10 Q. Okay.</p> <p>11 A. And those are half a dozen or so names that I</p> <p>12 thought he was interested in. Paul was interested in</p> <p>13 knowing were there some other people that I worked with</p> <p>14 with Robert that I could get to him, and those were the</p> <p>15 ones I could think of. I mean, I've been gone four</p> <p>16 years now, five years, and I don't remember. That's</p> <p>17 the ones I came up with.</p> <p>18 Q. Let's look at these names. The first one on</p> <p>19 the coworkers list that is attached to this is Pat</p> <p>20 Hankins we've already talked about who you talked to a</p> <p>21 couple weeks ago?</p> <p>22 A. I thought about him because he's right around</p> <p>23 the corner. I know he worked with Robert, yes, sir.</p> <p>24 Q. Who's Brad Vaughan?</p> <p>25 A. Brad Vaughan is a superintendent at Norshipco</p>
<p style="text-align: right;">47</p> <p>1 JOSEPHUS DANIELS was one of them I think I remember,</p> <p>2 and the ARSs and I think they've laid all them up.</p> <p>3 Q. The ARSs were Navy ships?</p> <p>4 A. Yes, sir. They were the small, about 300</p> <p>5 foot long ships that made repair to the mine sweepers</p> <p>6 when the ship mine sweepers would be underway or</p> <p>7 whatever and had problems overseas or wherever they</p> <p>8 went.</p> <p>9 Q. These were tender ships?</p> <p>10 A. These were tender ships, and they actually</p> <p>11 would make repairs and were responsible for a lot of</p> <p>12 the Navy diving and all that.</p> <p>13 Q. Do you remember the names of any of those ARS</p> <p>14 ships?</p> <p>15 A. I don't.</p> <p>16 Q. And you have checkmarks next to a number of</p> <p>17 these vessels' names but you don't --</p> <p>18 A. I don't --</p> <p>19 Q. Let me finish my question so the court</p> <p>20 reporter can take it down.</p> <p>21 These are ships that you think Robert Jacobs</p> <p>22 might have worked on, but you can't be sure?</p> <p>23 A. Correct.</p> <p>24 Q. The ships that are on the -- you didn't type</p> <p>25 this list yourself; correct?</p>	<p style="text-align: right;">49</p> <p>1 that I'm thinking he was in the shop in the time frame</p> <p>2 that Robert was in the shop. He's a young boy about,</p> <p>3 don't know, 45, 50 years old. And he -- he very easily</p> <p>4 could have worked -- I was going to call him and ask</p> <p>5 him did he work with Robert, but I never did.</p> <p>6 Q. You say in the shop. Was there a time when</p> <p>7 Mr. Jacobs was assigned to the shop at Norshipco?</p> <p>8 A. Oh, yeah, he worked in the shop and this --</p> <p>9 Brad Vaughan worked in the shop in the same building,</p> <p>10 and I know he knew Jacobs, you know.</p> <p>11 Q. When was Jacobs assigned to do shop work as</p> <p>12 opposed to shipboard work?</p> <p>13 A. Throughout his apprentice program, just like</p> <p>14 myself. A little bit in the shop, a lot on the ship.</p> <p>15 Q. Was there a time that you're aware of when</p> <p>16 Mr. Jacobs would have been assigned to the shop full</p> <p>17 time?</p> <p>18 A. No, sir, the apprentices don't get assigned</p> <p>19 to the shop full time.</p> <p>20 Q. How about after he left the apprenticeship,</p> <p>21 were there times when he was assigned to work in the</p> <p>22 shop?</p> <p>23 A. Basically more on the ship. When you finish</p> <p>24 your apprentice program, your training kind of part of</p> <p>25 that is over with. Unless you're involved in a given</p>

<p style="text-align: right;">50</p> <p>1 job by specifications that you're going to be in the</p> <p>2 shop building ventilation then you'll be -- excuse me,</p> <p>3 you'd be in the shop for that time frame.</p> <p>4 Q. Have you talked to Brad Vaughan at all about</p> <p>5 Mr. Jacobs?</p> <p>6 A. No, sir.</p> <p>7 Q. How about Tony Smith, who is that?</p> <p>8 A. That is the foreman or -- I don't know what</p> <p>9 they call them now. I don't think they call them</p> <p>10 foremen. Anyway, he for all intents and purposes is</p> <p>11 the foreman in the Brambleton plant -- sorry, Berkley</p> <p>12 plant sheet metal shop. The Brambleton plant is no</p> <p>13 longer in existence. Neither is the Southern plant.</p> <p>14 Q. The Berkley plant is the one that's out here</p> <p>15 in between Norfolk Waterside and Portsmouth where you</p> <p>16 see the big drydock?</p> <p>17 A. When you go over the bridge, it's -- yeah,</p> <p>18 the big drydock, yeah, that's BAE, Norshipco.</p> <p>19 Q. And have you talked to Tony Smith about</p> <p>20 Robert Jacobs?</p> <p>21 A. No, sir, didn't get a chance.</p> <p>22 Q. Who is Tim Spruill?</p> <p>23 A. He is an -- I guess Tim's now a</p> <p>24 superintendent. I'm not sure of his title. He's one</p> <p>25 of the guys that worked with Robert as we were coming</p>	<p style="text-align: right;">52</p> <p>1 A. He was a shipfitter, yeah, the heavier metal</p> <p>2 area.</p> <p>3 Q. All right. And last, who was John Powers?</p> <p>4 A. He's a sheet metal. He was one of my</p> <p>5 apprentices, too. He was an apprentice. Him and</p> <p>6 Jacobs could have been -- no, I think Powers was behind</p> <p>7 Jacobs, but they worked together. They knew each other</p> <p>8 and worked together.</p> <p>9 Q. So why don't we do -- at this point I'm going</p> <p>10 to mark your handwritten notes as Exhibit 1 to the</p> <p>11 deposition, and we'll do these two pages as Exhibit</p> <p>12 Number 2.</p> <p>13 A. Do you need those?</p> <p>14 Q. Yeah, please.</p> <p>15</p> <p>16 (Tatem Deposition Exhibits Number 1 and</p> <p>17 Number 2 were marked for identification.)</p> <p>18</p> <p>19 BY MR. JOSS:</p> <p>20 Q. Mr. Tatem, other than putting together MJ</p> <p>21 bulkheads on the OZARK, do you have any specific</p> <p>22 recollection of jobs that Mr. Jacobs did while working</p> <p>23 at Norshipco?</p> <p>24 A. On the OZARK we're talking about?</p> <p>25 Q. On any ship. I understand you don't recall</p>
<p style="text-align: right;">51</p> <p>1 along, and him and Robert actually were kind of about</p> <p>2 the same age, I think.</p> <p>3 Q. Was Tim Spruill in the sheet metal</p> <p>4 department?</p> <p>5 A. Yes, sir. He was an apprentice, too.</p> <p>6 Q. Was Tony Smith a sheet metal worker?</p> <p>7 A. Yes, sir. Actually I think both those were</p> <p>8 two of my apprentices, too, at one time.</p> <p>9 Q. There's a Jim Tatem, Jr. I take it that's</p> <p>10 your son?</p> <p>11 A. Yes, sir, him and Robert worked together</p> <p>12 earlier on.</p> <p>13 Q. How old is your son, Jim Jr.?</p> <p>14 A. He's 40 -- 48 or -- I think he's 48.</p> <p>15 Q. When did he start working at Norshipco?</p> <p>16 A. Gosh, '62 -- I -- '74-ish. I don't know. He</p> <p>17 did an apprentice program, too.</p> <p>18 Q. Was he sheet metal?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Who is Larry Rummel?</p> <p>21 A. Larry Rummel is a plant manager I think at</p> <p>22 Norshipco, BAE, and I -- I know that he knew Robert and</p> <p>23 how -- what kind of guy he was, hard worker type, you</p> <p>24 know, and dependable and all that.</p> <p>25 Q. What department was Larry Rummel in?</p>	<p style="text-align: right;">53</p> <p>1 specifically what other ships he was on, so it sounds</p> <p>2 to me like the OZARK is the only one that you really</p> <p>3 remember him being on that particular ship?</p> <p>4 A. Only because that was seemingly the first</p> <p>5 time I met back up with him. I mean, he did work on</p> <p>6 like ventilation, I think we've said that, on --</p> <p>7 Q. Okay.</p> <p>8 A. Putting sheeting on generators, putting</p> <p>9 turbines -- taking metal off of turbines and generators</p> <p>10 and pumps and building -- what was those boxes? I</p> <p>11 forgot, we had a name for them. Building strainer</p> <p>12 shields is what I'm trying to say. They are boxes</p> <p>13 that's down in the engine room on all the oil fired</p> <p>14 equipment, you know, for protection, to protect the box</p> <p>15 is what they are, straining shields. Ventilation, I</p> <p>16 think I've said, in the engine rooms, in the fan rooms.</p> <p>17 Galleys, he was good in stainless steel work. Robert</p> <p>18 could weld. He worked on stainless steel work for many</p> <p>19 counters, cabinets. I'm trying to think.</p> <p>20 He was good at sketching. Of course, that's</p> <p>21 part of making everything happen. You know, you go</p> <p>22 down and you make interference drawings and put all the</p> <p>23 information down and then take that information back</p> <p>24 and you do -- that's some of the shop time he would</p> <p>25 get. Doing a lay-down is what they call it, and you</p>

<p style="text-align: right;">54</p> <p>1 lay all this down and put all the interferences on the</p> <p>2 drawing and then figure out how to get from A to B with</p> <p>3 the ventilation runs through all the piping and</p> <p>4 electrical and all the interferences. I don't know how</p> <p>5 much more you --</p> <p>6 Q. Well, let me ask you this: You mentioned</p> <p>7 some pieces of equipment. I'll start with turbines.</p> <p>8 You said he was removing metal from turbines?</p> <p>9 A. Yeah, the turbines were -- they're mated up</p> <p>10 to the main motors and the connecting -- the shaft from</p> <p>11 the turbine to the motors, whatever, would have the</p> <p>12 sheet metal enclosure. There'd be insulation</p> <p>13 protecting all the hot areas, and then we'd come along</p> <p>14 and cover it up with sheet metal, that type of thing.</p> <p>15 Q. At what point during the work on the OZARK</p> <p>16 was this work on the turbines done?</p> <p>17 A. No, no, there wasn't any of that involved.</p> <p>18 This is on other Navy jobs and commercial jobs that I</p> <p>19 just generally remember. I don't necessarily mean that</p> <p>20 everything now that we're saying is on the OZARK. The</p> <p>21 OZARK was there and it was done. That just happened to</p> <p>22 be one of the biggest jobs I remembered way back when</p> <p>23 we started that Jacobs was -- that's about the time</p> <p>24 frame that he showed up. And I don't know that -- I</p> <p>25 wouldn't say that he worked on the turbines and the</p>	<p style="text-align: right;">56</p> <p>1 the metal?</p> <p>2 A. No, you lay them out as you built these</p> <p>3 bulkheads for these new metal jointed doors, and they</p> <p>4 were metal, as you said, MJ doors. And you'd frame out</p> <p>5 for them and you have to cut the metal to make the</p> <p>6 adjustments. And, of course, they had to be within the</p> <p>7 MJ bulkhead framing so that there would be the strength</p> <p>8 there to support the door and that type of thing.</p> <p>9 Q. Okay. This was sort of a -- not really</p> <p>10 prefab, but sort of a modular way of building</p> <p>11 compartments on these ships?</p> <p>12 A. Correct.</p> <p>13 Q. These bulkheads, and I think you mentioned</p> <p>14 the MJ bulkheads, they had sort of a J hook on each one</p> <p>15 and you put those together?</p> <p>16 A. Yeah. The design of them was like that, and</p> <p>17 then you bring another one in here like this, out here</p> <p>18 like this, and then this one would be flat and this one</p> <p>19 would be flat, and the next one would come out like</p> <p>20 that. And then you come in and put rivets in here.</p> <p>21 And then at the top you'd weld it. (Indicating)</p> <p>22 Q. And that was going to be my question. Was</p> <p>23 that the -- the actual joints themselves are riveted</p> <p>24 together?</p> <p>25 A. Yes, sir.</p>
<p style="text-align: right;">55</p> <p>1 generators at that time.</p> <p>2 Q. On the OZARK?</p> <p>3 A. On the OZARK.</p> <p>4 Q. And that's what I want to make sure, that you</p> <p>5 and I understand each other.</p> <p>6 A. Yes, sir.</p> <p>7 Q. When you went through the list of the</p> <p>8 different -- of the galleys and the pumps and the</p> <p>9 generators and the strainer shields --</p> <p>10 A. Oh, that was just a variety of all the</p> <p>11 different -- I misunderstood your question then.</p> <p>12 Q. That's fine. I'll ask my question a little</p> <p>13 bit more specifically. In terms of specifics tasks you</p> <p>14 recall Jacobs doing just on the OZARK during the few</p> <p>15 months it was in there --</p> <p>16 A. Mostly during that time frame he was working</p> <p>17 on ventilation and metal jointed bulkheads I remember.</p> <p>18 I don't think we got him into stainless work early on.</p> <p>19 He was -- no, it would have been ventilation and metal</p> <p>20 jointed bulkhead, hanging metal jointed doors or</p> <p>21 installing them, not hanging them. You install them.</p> <p>22 You make out the cuts in the bulkhead and that was one</p> <p>23 of the big things that he worked on.</p> <p>24 Q. Were the doors -- were the hatches that went</p> <p>25 through these bulkheads, were they already precut into</p>	<p style="text-align: right;">57</p> <p>1 Q. Okay. And then you weld them at the top into</p> <p>2 the --</p> <p>3 A. No, they would be riveted at the top and they</p> <p>4 would have expansion pieces at the top, slotted holes,</p> <p>5 and there would be bolts in there with heads on them.</p> <p>6 And they slide in and out as the ship worked,</p> <p>7 otherwise, they'd pop all the rivets out. And at the</p> <p>8 top of that flat bar that these were screwed to, the</p> <p>9 piece at the top is like that and then there is that</p> <p>10 piece. Right here is welded and right here is slotted,</p> <p>11 and while we're looking at that, it's got a -- like</p> <p>12 that and it's got a slot in it like that and that's</p> <p>13 where that bolt goes through there and allows it to</p> <p>14 slide up and down. (Indicating)</p> <p>15 Q. That allows the ship to flex when it's at</p> <p>16 sea?</p> <p>17 A. Yes, sir, and all the rivets don't come</p> <p>18 shooting out like bullets.</p> <p>19 Q. We've been going for about an hour. Why</p> <p>20 don't we go ahead and take a few-minute break? I'm</p> <p>21 going to check my notes and see how many more questions</p> <p>22 I've got and then we'll let some of these other folks</p> <p>23 maybe even on the phone have some questions.</p> <p>24 A. Oh, gee. Okay.</p> <p>25 (Whereupon, a recess was taken.)</p>

<p style="text-align: right;">58</p> <p>1 BY MR. JOSS:</p> <p>2 Q. All right. Mr. Tatem, we're back from a</p> <p>3 short break. I have a few more questions for you and</p> <p>4 then I'll turn it over to some of the other folks to</p> <p>5 see what questions they might have.</p> <p>6 The names you wrote down on what's been</p> <p>7 marked as Exhibit 1, your handwritten notes that we</p> <p>8 discussed earlier --</p> <p>9 A. Yes, sir.</p> <p>10 Q. -- is it fair so say that these are just</p> <p>11 names that you recall generally from your time at</p> <p>12 Norshipco?</p> <p>13 A. There aren't any names on this sheet.</p> <p>14 Q. I'm not talking about people's names, I'm</p> <p>15 talking about names of contractors, products, whatever</p> <p>16 -- whatever is on here.</p> <p>17 A. I'm sorry. That was kind of -- I was just</p> <p>18 trying to think because my memory is not as good as it</p> <p>19 used to be. Yeah, that was just notes I jotted down</p> <p>20 from people I remember working with generally. I guess</p> <p>21 that's the right answer on that, if there's a right</p> <p>22 answer.</p> <p>23 Q. And for the company names that are on here,</p> <p>24 those are names you just remember generally from</p> <p>25 Norshipco; correct?</p>	<p style="text-align: right;">60</p> <p>1 together?</p> <p>2 A. I lived over -- actually, I lived in two</p> <p>3 different areas when Jacobs -- when we were both coming</p> <p>4 along. I lived over in South Norfolk or Portlock, and</p> <p>5 then from there -- that was where I had my first home.</p> <p>6 Then I moved from there to a place over in Chesapeake</p> <p>7 off Military Highway off Ingle Avenue, and I lived</p> <p>8 there for 33 years.</p> <p>9 And in that time frame as we stump our toes</p> <p>10 and go along our merry way, Jacobs lived -- I think he</p> <p>11 lived in South Norfolk as we first started out, and</p> <p>12 then he moved to Newport News, and then he moved</p> <p>13 further out to the country where he could have his</p> <p>14 dogs. He was big into hunting and all that stuff, had</p> <p>15 them blue tick hounds and all that sort of stuff. But</p> <p>16 we still, you know, worked together and he'd drive back</p> <p>17 and forth all the time.</p> <p>18 Q. Do you recall when he moved out to the</p> <p>19 country?</p> <p>20 A. Let's see. It seemed like it might have</p> <p>21 been -- if I had to guess, he lived over in Newport</p> <p>22 News -- I would guess in the late '90s, mid to late</p> <p>23 '90s it seems like he moved out somewhere out in the</p> <p>24 country. I don't know where it was.</p> <p>25 Q. Okay.</p>
<p style="text-align: right;">59</p> <p>1 A. Correct.</p> <p>2 Q. And you couldn't tell me that Mr. Jacobs</p> <p>3 worked specifically with any products made by any of</p> <p>4 these companies anywhere in the shipyard?</p> <p>5 A. And swear to it, no, sir, I couldn't.</p> <p>6 Q. Okay. And just --</p> <p>7 A. I know that I did, you know, and he very</p> <p>8 easily could have because those are some of the people,</p> <p>9 yes, sir.</p> <p>10 Q. But you couldn't say that Mr. Jacobs worked</p> <p>11 on any specific ship at any specific time with any</p> <p>12 specific company or product on here?</p> <p>13 A. No, sir.</p> <p>14 Q. Okay. Did you ever socialize with Mr. Jacobs</p> <p>15 outside of work while you were employed at the</p> <p>16 shipyard?</p> <p>17 A. Yes, sir.</p> <p>18 Q. And what would the two of you do?</p> <p>19 A. Well, we'd go drink a few beers up at the</p> <p>20 local beer joint and shoot some pool and work on cars,</p> <p>21 and piddle -- I mean, because he lived in the general</p> <p>22 area that I was in, and back then I used to drink. Not</p> <p>23 excessively, just have a few, you know.</p> <p>24 Q. All right. Where were you and Mr. Jacobs</p> <p>25 living at the time that you worked in the shipyard</p>	<p style="text-align: right;">61</p> <p>1 A. I never went there, but I did go to his place</p> <p>2 that he had in Newport News a couple times, ate dinner</p> <p>3 with him, him and his wife.</p> <p>4 Q. Did Mr. Jacobs ultimately retire from</p> <p>5 Norshipco?</p> <p>6 A. No, sir. I don't think he was quite old</p> <p>7 enough. From what I remember when I found out that he</p> <p>8 had that asbestosis is what I call it, it seemed like</p> <p>9 it was like 2000 -- 2000 -- I want to say 2004 or 2005,</p> <p>10 along then I heard that he had this. And then we</p> <p>11 talked maybe once a month or so on the phone about how</p> <p>12 was he doing and was it getting better and he was going</p> <p>13 to the hospital and all that type of stuff, and then,</p> <p>14 gosh, all of a sudden, you know, he was gone --</p> <p>15 Q. Okay.</p> <p>16 A. -- it seemed like.</p> <p>17 Q. Do you still have any contact with Mr.</p> <p>18 Jacobs' wife?</p> <p>19 A. No, reason being I would have, but I had his</p> <p>20 phone in my phone or his number. I got a new phone and</p> <p>21 for some reason I lost the number and didn't have a</p> <p>22 number to call her, so -- I mean, because we were</p> <p>23 friends, and just to see how she was doing, I guess. I</p> <p>24 didn't know if it was in order or not, but I don't see</p> <p>25 why not because we were good friends back when we were</p>

<p style="text-align: right;">62</p> <p>1 coming along, his wife and I and my wife -- my first 2 wife. I got the divorce 15 years ago, it seemed like. 3 Q. Did Norshipco at any point bring in abatement 4 contractors? Do you know what I mean by that? 5 A. No, sir. 6 Q. People that came in to remove asbestos and 7 they put up plastic sheets and worked -- 8 A. Oh, yeah. That happened -- it seems like I 9 never saw any of that happen until the late -- let's 10 see. Where are we at? Had to be -- no, actually, I 11 was a superintendent when that first happened. I'm 12 trying to remember. So that was '80 -- late '80s it 13 seems like. I was kind of surprised because I was a 14 superintendent and all the shops generally had gotten 15 into being programmed, schooled and all that along the 16 way. But as the superintendents, even though we were 17 responsible for the job, we were entirely responsible 18 for nothing it seemed like at times. You know, you got 19 all this information, but we wasn't getting in that 20 loop. 21 And one of the times I went down on the ship 22 and all this plastic is everywhere and it's got the -- 23 I think it's got yellow signs with asbestos, keep out. 24 So I jumped on the ship and I said, hey, what's going 25 on here, you know, that type of thing. You can't go in</p>	<p style="text-align: right;">64</p> <p>1 A. Then they started schooling us on it and 2 telling us, you know, because I started asking 3 questions, what's this all about, why. It's a safety 4 issue with asbestos. Keep the people out, and da, da, 5 da. 6 Q. Did Norshipco have to comply with OSHA? 7 A. Yes, sir. 8 Q. Do you remember when OSHA came out? 9 A. No, sir. 10 Q. Do you recall people taking any air sampling? 11 A. Oh, yeah, I used to have to direct some of 12 that paperwork-wise. We'd send samples to Portsmouth. 13 Actually, there was a place down here in Norfolk, too, 14 that did it. 15 Q. Do you recall when that activity started? 16 A. No, I just remember some of it having to be 17 done, and had some rush jobs, and da, da, da, da, da. 18 Let's see, when was that? Maybe '80, '90. Must have 19 been mid to late '90s that I -- when I first started 20 hearing about the sampling of the asbestos and that 21 type of thing. 22 Q. You said that at some point the shipyard came 23 up with its own insulation department? 24 A. Yeah. 25 Q. Did the insulators who worked -- when they</p>
<p style="text-align: right;">63</p> <p>1 there, Mr. Tatem. You cannot go in there, it's off 2 limits. And I started checking and finding out things. 3 They hadn't schooled us on any of that in that time 4 frame, but that was one of the first exposures to these 5 enclosures, you know. 6 So then I did go into the space because I put 7 all the gear on that they said you're supposed to wear 8 and all that to go down in there. And it was down -- 9 my understanding is that as long as there's nothing 10 flying -- debris flying around, you're safe if you've 11 got all the gear on. So there's been a time or two 12 that I was approved, okayed to go into the spaces even, 13 but that's when I first found out about it. 14 Q. You said the shops had already been schooled 15 up on it? 16 A. It seems like, yes, sir. 17 Q. Do you recall when the various shops and 18 departments got their education and training? 19 A. No, I don't. It just seems like that it was 20 at that time -- it was like a surprise that particular 21 first time that I saw this stuff. The engine room was 22 enclosed and that was one of the first times in the 23 early -- earlier on shall I say or I should say that I 24 found out about it. 25 Q. Okay. Did --</p>	<p style="text-align: right;">65</p> <p>1 formed that department, did those insulators wear any 2 kind of masks or respirator when they were doing their 3 work? 4 A. Earlier on. The only thing I used to see 5 them in some of the insulation removals and stuff like 6 that early on, it seemed like it was -- gosh, I want to 7 say -- because I was still in the shop. Seemed like it 8 was late '70s or something in that time -- I'm not sure 9 of that. It seems like in the late '70s, and the 10 insulators were -- that's when they would start helping 11 with it. 12 But a lot of the times and even in that time 13 frame, we'd -- we'd have to insulate stuff that was in 14 the way, you know, that could have been asbestos. It 15 was insulation is all I know. And we'd call Fred, 16 that's the fellow I told you passed away, back in that 17 time frame. Used to you had to write chits and that 18 type of thing. And as we would write the chits and 19 wait for an answer back when they were going to be able 20 to do it, well, I got 18 jobs and I got 12 people. You 21 get rid of it, you make it go away, you get it out, you 22 get to your work and I'll take care of putting it all 23 back and dressing it up and putting it like it's 24 supposed to be, and wrapping it like it's supposed to 25 be and painters will come in and paint it and we'll be</p>

<p style="text-align: right;">66</p> <p>1 done.</p> <p>2 So that's what you do, you go ahead and you</p> <p>3 get it done, ripped out of your way so you could get</p> <p>4 access to the ventilation or overheads or whatever, you</p> <p>5 get your work done and they'd fix the mess after it was</p> <p>6 all done.</p> <p>7 Q. Did any of the insulation workers ever tell</p> <p>8 you anything about asbestos?</p> <p>9 A. Not any real direct information like, Hey,</p> <p>10 man, that's asbestos, it's not good for you. I mean,</p> <p>11 I'm not stupid. I do remember hearing about asbestos</p> <p>12 and don't be around it if it's flying and all that.</p> <p>13 Well, it was too late because I had already been</p> <p>14 through an episode of time in the early '60s, all of</p> <p>15 the '60s, early '70s that you had to get the work done.</p> <p>16 I don't care what it is. You go down there, you get it</p> <p>17 out and you get that ventilation out, get back up here,</p> <p>18 Skipper Bland, and you get it back up here and I've got</p> <p>19 to have it back up here at 3:00.</p> <p>20 Q. When did you --</p> <p>21 A. So the night shift can do it. I'm sorry.</p> <p>22 Q. No, that's fine. When did you first hear</p> <p>23 asbestos might not be good for you or might possibly be</p> <p>24 hazardous?</p> <p>25 A. Truthfully, I would guess awareness really</p>	<p style="text-align: right;">68</p> <p>1 was following some of the asbestos. I said, I think</p> <p>2 I'm all right. They said, Well, it's worth a trip up</p> <p>3 there just for your own health. It's not going to cost</p> <p>4 you anything to find out, whereas if you're on this end</p> <p>5 you're going to have to pay to have a lung examination</p> <p>6 and all that.</p> <p>7 So doctors that they referred me to or</p> <p>8 whatever took -- did the testing of my lungs and all</p> <p>9 that sort of stuff, and the feedback was there's a</p> <p>10 slight indication of some asbestos. Unless it gets</p> <p>11 worse, you don't really have to worry about it was my</p> <p>12 feeling of what I was told at that time. And you can't</p> <p>13 hold me to that because I'm not absolutely sure that's</p> <p>14 what they said, but they did indicate there was a spot</p> <p>15 and so I -- I don't know what else to say about it.</p> <p>16 MR. WEYKAMP: Mr. Tatem, you want to</p> <p>17 concentrate on the question.</p> <p>18 THE DEPONENT: Oh, I thought that -- did I go</p> <p>19 too far?</p> <p>20</p> <p>21 BY MS. TURNER:</p> <p>22 Q. No, you answered a lot of my questions, so I</p> <p>23 didn't want to stop you.</p> <p>24 A. He told me to listen to you guys and do it</p> <p>25 one by one. I'm sorry.</p>
<p style="text-align: right;">67</p> <p>1 seemed to start late '70s and early '80s, as a guess.</p> <p>2 Q. It didn't change how you did your work;</p> <p>3 correct?</p> <p>4 A. Not really. It still had to be done. You</p> <p>5 had to get it done. It seemed like they were working</p> <p>6 towards more helping you as far as insulation removals</p> <p>7 in the late '70s, mid to late '70s it seems like what I</p> <p>8 remember.</p> <p>9 Q. All right. Mr. Tatem, I think those are all</p> <p>10 the questions I have, I'm going to check my notes, but</p> <p>11 I'm going to let some of these other folks ask</p> <p>12 questions as well.</p> <p>13 A. Okay.</p> <p>14 MR. JOSS: Thank you.</p> <p>15</p> <p>16 EXAMINATION</p> <p>17</p> <p>18 BY MS. TURNER:</p> <p>19 Q. My name is PJ Turner. I have a couple of</p> <p>20 follow-up questions. Do you know who diagnosed you</p> <p>21 with asbestosis?</p> <p>22 A. The doctor person?</p> <p>23 Q. Uh-huh.</p> <p>24 A. I went up to Maryland. Somebody in the</p> <p>25 shipyard told me to touch base with this guy, that he</p>	<p style="text-align: right;">69</p> <p>1 Q. In your answer you mentioned "he" and "they"</p> <p>2 as individuals who had referred you to the doctors up</p> <p>3 in I think you said Maryland that could go and test</p> <p>4 you.</p> <p>5 A. Uh-huh.</p> <p>6 Q. And I believe you were pointing to Mr.</p> <p>7 Weykamp. Is that who you were referring to, Mr.</p> <p>8 Weykamp and his law firm?</p> <p>9 A. Yes.</p> <p>10 Q. And they referred you up to Maryland to get</p> <p>11 tested?</p> <p>12 A. Yes.</p> <p>13 Q. As a result of that testing did you file a</p> <p>14 lawsuit?</p> <p>15 A. No.</p> <p>16 Q. Do you have a lawsuit pending to recover for</p> <p>17 any sort of illness?</p> <p>18 A. I do?</p> <p>19 MR. WEYKAMP: You do have a pending suit.</p> <p>20 THE DEPONENT: I guess I do. I'm sorry.</p> <p>21</p> <p>22 BY MS. TURNER:</p> <p>23 Q. Safe to say you don't know any of the details</p> <p>24 of that suit?</p> <p>25 A. Well, I get informed, now that you mention</p>

<p style="text-align: right;">70</p> <p>1 it, I guess in those letters. I just put them in the</p> <p>2 file. I never pay no attention to them. Shame on me.</p> <p>3 I'm sorry.</p> <p>4 Q. You have a file at home?</p> <p>5 A. Yeah.</p> <p>6 Q. With papers relating to your --</p> <p>7 A. Just stuff I get from him. Just like I found</p> <p>8 that it was necessary because of all this paperwork</p> <p>9 you're think you're not going to be exposed to anymore,</p> <p>10 not just from him. Yeah, I've got a file cabinet I</p> <p>11 stick his piece of paper in when it shows up.</p> <p>12 Q. Do you know if you ever filed --</p> <p>13 A. I never realized it was a lawsuit, but I</p> <p>14 guess it is, isn't it, from a lawyer.</p> <p>15 Q. Do you know if you've ever filed a claim</p> <p>16 against an asbestos settlement trust? And this would</p> <p>17 be different than something from a lawsuit?</p> <p>18 A. Do I get any help with that?</p> <p>19 Q. And I'm asking you if you are aware if you</p> <p>20 have.</p> <p>21 MR. WEYKAMP: If you're aware if you have or</p> <p>22 not.</p> <p>23 THE DEPONENT: Say that again. I'm sorry.</p> <p>24</p> <p>25</p>	<p style="text-align: right;">72</p> <p>1 A. No, I'm not sure, no.</p> <p>2 MS. TURNER: Okay. Paul, as in the other</p> <p>3 depositions, we'd like to request copies of any claims</p> <p>4 forms that you have with regards to Mr. Tatem and any</p> <p>5 affidavits that he's executed in connection with those</p> <p>6 claims.</p> <p>7</p> <p>8 BY MS. TURNER:</p> <p>9 Q. And I understand that you don't know if you</p> <p>10 have or not executed them?</p> <p>11 A. Well, I mean, I've signed some papers asking</p> <p>12 for -- what do those papers say? I have to start</p> <p>13 reading that stuff.</p> <p>14 Q. Well, let me ask you this: Do you ever</p> <p>15 recall receiving written questions called</p> <p>16 interrogatories that asked you details about your work</p> <p>17 with the shipyard?</p> <p>18 A. Yes.</p> <p>19 Q. And do you remember formulating responses to</p> <p>20 those questions?</p> <p>21 A. I guess the answer is yes.</p> <p>22 Q. And then giving them to your attorney, Mr.</p> <p>23 Weykamp?</p> <p>24 A. Yeah. Okay. That's some of the -- yes, I've</p> <p>25 done it, yes, ma'am.</p>
<p style="text-align: right;">71</p> <p>1 BY MS. TURNER:</p> <p>2 Q. I'm asking you if you are aware of whether</p> <p>3 you have filed a claim, either you or someone on behalf</p> <p>4 of you has filed a claim with an asbestos settlement</p> <p>5 trust. I'm going to give you some names that might</p> <p>6 spark your memory such as the Manville Personal Injury</p> <p>7 Settlement Fund?</p> <p>8 A. Yes.</p> <p>9 Q. And the Celotex Trust, the Eagle-Picher</p> <p>10 Trust?</p> <p>11 A. I guess my answer has got to be yes, because</p> <p>12 I think there's paperwork in there that says that, yes.</p> <p>13 Q. Do you know if you've ever executed an</p> <p>14 affidavit in connection with any of those claims?</p> <p>15 A. No.</p> <p>16 Q. Do you know what I mean by affidavit? Sort</p> <p>17 of a document that would say, My name is James Tatem,</p> <p>18 Sr. These are the dates that I worked at Norshipco,</p> <p>19 this is what my job title was, and these are the ships</p> <p>20 I worked on?</p> <p>21 A. And I gave that information to who?</p> <p>22 Q. Well, I'm asking if you remember ever</p> <p>23 creating sort of a document that said that sort of</p> <p>24 thing and then you signed it at the end saying, I swear</p> <p>25 that this is accurate, if you remember ever doing that?</p>	<p style="text-align: right;">73</p> <p>1 Q. Do you know when you answered those</p> <p>2 questions?</p> <p>3 A. Since I went to his place it's probably been</p> <p>4 papers that have come in that I've signed, sent back I</p> <p>5 guess over the last -- I don't know, do you know? Ten</p> <p>6 years?</p> <p>7 MR. WEYKAMP: Many years.</p> <p>8 THE DEPONENT: Over those 10 years I've</p> <p>9 gotten information from him that I didn't pay too much</p> <p>10 attention to it. I just figured it was an ongoing</p> <p>11 thing that would happen. I'd sign the papers when he</p> <p>12 asked me for the information and had no reason not to,</p> <p>13 I guess.</p> <p>14</p> <p>15 BY MS. TURNER:</p> <p>16 Q. But you can't recall when you signed any sort</p> <p>17 of papers?</p> <p>18 A. No, I can't. It hasn't been anything lately.</p> <p>19 Seems like, I don't know, a year or so ago maybe. I'm</p> <p>20 not sure. I don't remember sending anything back to</p> <p>21 him lately.</p> <p>22 Q. Okay. When was the last time you spoke with</p> <p>23 Mr. Jacobs, can you recall?</p> <p>24 A. It seems like -- well, I know I've seen him</p> <p>25 since I retired, and that was about I think 2005. So</p>

<p style="text-align: right;">74</p> <p>1 sometime after 2005-ish, along in there I -- well, 2 actually I spoke to him -- on the phone counts; right? 3 Q. Yeah, absolutely. 4 A. Yeah, I didn't know if you meant in person. 5 I seen him at the shipyard along in those times frames 6 a couple or two, three times, and then at the last I 7 talked to him on the telephone several times, maybe 8 once a month or so. 9 Q. And you mentioned that you spoken with him on 10 the phone after he had been diagnosed with his illness? 11 A. Yeah. I'd call him and ask him how he was 12 doing, you know, that type of thing. I'm not getting 13 better, but hopefully they're going to be able to do 14 something. It didn't happen that way. 15 Q. Do you recall whether you spoke with Mr. 16 Jacobs about his lawsuit before he passed away? 17 A. Didn't know he had a lawsuit. He didn't go 18 into that. 19 Q. Do you know if Mr. Jacobs smoked? 20 A. You know, I don't think Robert smoked because 21 I didn't and he didn't -- that wasn't -- didn't have 22 time. Drank too much beer. 23 Q. Were you a member of a union at Norshipco? 24 A. No, I never was -- well, I was in a union for 25 about -- long enough to get in and get out before they</p>	<p style="text-align: right;">76</p> <p>1 you would know that. 2 A. Oh, okay. 3 MS. TURNER: Mr. Tatem, those are all my 4 questions. Thank you very much. 5 6 EXAMINATION 7 8 BY MR. SCHWERTZ: 9 Q. Mr. Tatem, Carl Schwartz. 10 MR. SCHWERTZ: Paul, same stuff as we've done 11 so far? And I actually brought paperwork so I wouldn't 12 have to keep on asking that. That's for GP in these 13 two cases. They're just stipulation of dismissals. 14 MR. WEYKAMP: All right. We'll take care of 15 that. 16 MR. SCHWERTZ: Yeah, that's fine. And then 17 my questions don't waive any service defects, fair? 18 MR. WEYKAMP: Right. 19 20 BY MR. SCHWERTZ: 21 Q. Mr. Tatem, very quickly, you mentioned early 22 on in the questions by Mr. Joss about removal of 23 decking. Do you remember that? 24 A. Decking? 25 Q. Taking out decking material?</p>
<p style="text-align: right;">75</p> <p>1 ever took the fee out. No. 2 Q. Was Mr. Jacobs ever a union member? 3 A. Same. You know what? I think Jacobs did 4 join the union after -- he was a supervisor and then he 5 got out. It's iffy. He might have joined it, but I'm 6 not positive. 7 Q. You mentioned that you have a file at home 8 that contains, among other things, certain 9 correspondence that you've received from Mr. Weykamp? 10 A. Uh-huh. 11 Q. Have you received any money from settlement 12 trusts or otherwise? 13 A. Yes. 14 Q. Okay. In connection with your illness? 15 A. Yes. 16 Q. Okay. Do you know -- did that money come 17 from Mr. Weykamp or did it come directly from another 18 source? 19 A. From another source I guess is where -- I 20 think it come from these other companies or something. 21 Q. As you sit here today can you recall who the 22 money came from? 23 A. No, I didn't have any reason to look. I 24 didn't know you-all wanted that information. 25 Q. There's no reason that you would need -- that</p>	<p style="text-align: right;">77</p> <p>1 A. Yes, sir. 2 Q. Do you have any knowledge as to who 3 manufactured the decking material that you removed? 4 A. (Shaking head.) 5 Q. You're shaking your head no? 6 A. No, sir, I don't. I'm sorry, I forgot that 7 machine doesn't get movement. 8 MR. SCHWERTZ: Thank you. Those are all my 9 questions. 10 MS. TURNER: Actually, I have one more 11 question that I forgot to ask. 12 13 EXAMINATION 14 15 BY MS. TURNER: 16 Q. The MJ bulkheads that you were talking about 17 do you know who manufactured those bulkheads? 18 A. We did. 19 Q. So you created them? 20 A. They were manufactured within the shop. 21 Yeah, ma'am, 16 gauge. 22 MS. TURNER: Thank you. Those are my 23 questions. 24 MS. FEHSENFELD: I don't have any questions. 25</p>

<p style="text-align: right;">78</p> <p style="text-align: center;">EXAMINATION</p> <p>1</p> <p>2</p> <p>3 BY MR. SLAUGHTER:</p> <p>4 Q. Mr. Tatem, just a couple of quick follow-ups.</p> <p>5 Earlier you provided the names of some contractors that</p> <p>6 are on Exhibit 1?</p> <p>7 A. Yes, sir.</p> <p>8 Q. You don't have any specific recollection of</p> <p>9 any particular job that any of those contractors did</p> <p>10 during your time at the shipyard, do you?</p> <p>11 A. Specifically, no, sir. But the only thing I</p> <p>12 do remember about like -- I think it was Staggerwall</p> <p>13 and Shelby-Battersby [sic], it seems like they did the</p> <p>14 terrazzo decking back then. I do remember one of the</p> <p>15 guys, Joe, and I used to see him. But I'm not sure --</p> <p>16 I don't remember for sure which one he worked with.</p> <p>17 But I remember we'd come through the spaces,</p> <p>18 they'd have -- I don't know how much you want, but</p> <p>19 they'd have the materials in the buckets and the</p> <p>20 powder. And they'd dump all this stuff and they had</p> <p>21 these power motors and they'd be doing it for the</p> <p>22 asbestos -- not asbestos, this was for the terrazzo</p> <p>23 decking. And they would do the mixing and that type of</p> <p>24 thing, and the powder would be blowing and you'd go by</p> <p>25 them because it had areas you couldn't go in, but you</p>	<p style="text-align: right;">80</p> <p style="text-align: center;">EXAMINATION</p> <p>1</p> <p>2</p> <p>3 BY MS. FEHSENFELD:</p> <p>4 Q. I actually have one question. You had</p> <p>5 mentioned cutting cloth and a substance from</p> <p>6 insulation. Are you aware of the manufacturers of any</p> <p>7 of those products?</p> <p>8 A. No, ma'am, I really wouldn't have had a</p> <p>9 reason to know other than it was in the way and get rid</p> <p>10 of it, that type of thing.</p> <p>11 Q. And can you describe the substance that you</p> <p>12 were cutting from the cloth?</p> <p>13 A. Well, it was like a canvas looking type</p> <p>14 cloth.</p> <p>15 Q. Okay.</p> <p>16 A. But it was a woven kind of white looking</p> <p>17 cloth type thing that you cut that to get to what it</p> <p>18 was covering up, what was insulation types or whatever</p> <p>19 they were to get to that to pull that out of your way</p> <p>20 to get access to what was the securement of what you're</p> <p>21 trying to remove.</p> <p>22 Q. Got you.</p> <p>23 A. That was kind of like it.</p> <p>24 MS. FEHSENFELD: Thank you. That's all.</p> <p>25</p>
<p style="text-align: right;">79</p> <p>1 still had to access areas where you were going for your</p> <p>2 work. So I don't know any specific materials they were</p> <p>3 using because there wasn't a need to know.</p> <p>4 Q. Do you have any specific recollection of Mr.</p> <p>5 Jacobs working in or around the areas where any of</p> <p>6 those companies were doing work?</p> <p>7 A. It was the same kind of a situation. He</p> <p>8 probably was involved with the same kind of a situation</p> <p>9 that I was in because he was basically in the same time</p> <p>10 frame, so any given time he could have been exposed to</p> <p>11 the same situation.</p> <p>12 Q. But you don't --</p> <p>13 A. Not specifically, no, sir.</p> <p>14 Q. But you don't have any specific recollection</p> <p>15 of that?</p> <p>16 A. No, sir, not a -- no, sir.</p> <p>17 Q. And as to any materials those companies were</p> <p>18 working with, you don't have any personal knowledge as</p> <p>19 to what kinds of materials they were using?</p> <p>20 A. No, sir, didn't have a need to, no, sir.</p> <p>21 MR. SLAUGHTER: Thank you, Mr. Tatem. That's</p> <p>22 all I have.</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">81</p> <p style="text-align: center;">EXAMINATION</p> <p>1</p> <p>2</p> <p>3 BY MR. SCHWERTZ:</p> <p>4 Q. I came up with one more just because that's</p> <p>5 what lawyers do. In follow-up to a couple of</p> <p>6 questions, you said that you talked about Staggerwall</p> <p>7 and Shelby [sic]?</p> <p>8 A. Uh-huh.</p> <p>9 Q. And you talked about you thought they laid</p> <p>10 terrazzo tile?</p> <p>11 A. I think. I know somebody -- I know they were</p> <p>12 there and the time frames and exactly that it was the</p> <p>13 terrazzo or the insulation, I'm not absolutely</p> <p>14 positive.</p> <p>15 Q. I appreciate that.</p> <p>16 A. I just remember seeing that they were there</p> <p>17 on the jobs.</p> <p>18 Q. Yes, sir. And you thought because you were</p> <p>19 there and Mr. Jacobs was there at the same time, but</p> <p>20 you can't even say if it was Staggerwall or Shelby</p> <p>21 [sic] or Joseph Smith Limited?</p> <p>22 A. Not absolutely and have to swear to it, no,</p> <p>23 sir.</p> <p>24 Q. Thank you, sir.</p> <p>25 A. Sorry.</p>

<p style="text-align: right;">82</p> <p>1 Q. Don't apologize. You're doing the best you 2 can. 3 A. I want to be more helpful. 4 MR. SCHWERTZ: You've been very helpful. 5 THE COURT REPORTER: Anybody on the phone 6 have any questions? 7 MR. BRUGH: Yes, I do. 8 9 EXAMINATION 10 11 BY MR. BRUGH: 12 Q. Mr. Tatem? 13 A. Yes, sir. 14 Q. Can you hear me all right? 15 A. Yes, sir, Mr. Brugh. 16 Q. All right. Thank you. As you just pointed 17 out, my name is Lynn Brugh, and, first of all, I want 18 to apologize. We had a little power outage here and I 19 got knocked off the phone for about 10 or 15 minutes, 20 so I hope my questions won't be ones that were asked 21 when I wasn't on the phone, but, again, I apologize and 22 you can let me know if you've already answered them. 23 Mr. Tatem, do you have any personal knowledge 24 whether Mr. Jacobs ever did any automotive work? 25 A. Yes, sir.</p>	<p style="text-align: right;">84</p> <p>1 A. Most probably the answer is yes. 2 Q. Okay. What years would those be? 3 A. Oh, '55, '57, in that time frame. Let's see. 4 Q. Are you talking like from when you-all were 5 from like tenth grade to twelfth grade? 6 A. Yeah, yeah, junior high, whatever you call it 7 nowadays. But, yeah, it was high school back then. So 8 I graduated from high school in '59, so it must have 9 been '57, '58-ish along in there is when I started 10 running into Robert back then. 11 Q. So you're talking about when you-all were 12 like 16, 17, 18 years old? 13 A. Yes, sir. 14 Q. Okay. And that would have been from '57 to 15 '59? 16 A. That's correct. 17 Q. And let me see if I understand you right. 18 Did you say you never were actually with Mr. Jacobs 19 when he worked on any vehicles? 20 A. That's correct. 21 Q. Okay. So you just know that he did at times 22 work on vehicles, but you don't really know what he 23 did? 24 A. That's correct. 25 Q. Okay. And, therefore, you don't know whether</p>
<p style="text-align: right;">83</p> <p>1 Q. Okay. What knowledge do you have? 2 A. Well, it's going to be limited. I know that 3 back when we were in school and all that type of thing, 4 way back when we used to work on cars together, and 5 anything from working on motors to changing tires to 6 changing brake systems to just whatever, you know, 7 piddling with cars, because when you're poor you got to 8 fix them yourself. 9 Q. Okay. Let me ask you this: How many times 10 do you recall being with Mr. Jacobs when he did any 11 automotive work? 12 A. I can't honestly answer that for you because 13 I don't absolutely remember, you know, a given time or 14 any specific things. I just generally know that back 15 when we were teenagers and all we had our cars and he'd 16 be working on his over at his house and I'd be working 17 on mine or whatever and then we'd get together and that 18 type of thing. But I didn't absolutely have Jacobs 19 working with me or the two of us together making any 20 repairs. 21 Q. Okay. All right. Well, let me -- I'll just 22 try to clarify then with some of these questions. 23 First of all, is the only time that you're aware of Mr. 24 Jacobs ever doing any automotive work was during 25 you-all's teenage years while you were in high school?</p>	<p style="text-align: right;">85</p> <p>1 he ever worked on a transmission, do you? 2 A. No, sir. I wasn't with Robert side by side 3 on doing any of these things. I must have 4 misunderstood the question from the get-go in that did 5 we do it. Well, I know he had to have done it because 6 he -- that's just the way he was and that's the way I 7 was, that we basically did most all of our repairs back 8 in that time frame, each individually at separate 9 places. 10 Q. Right. But that's just your understanding of 11 what he did. You don't have any personal knowledge of 12 what -- what particularly he did on any of his 13 vehicles; right? 14 A. No, sir, I don't. 15 Q. Like you don't know whether he ever did a 16 tune-up on his car, do you? 17 A. Nothing other than him -- you know how you 18 compare notes back in that time frame. Yeah, I was 19 changing the points today and I put them at 17 instead 20 of 15, whatever. You know, just general BS in that 21 time frame of things we were doing, and that's why it's 22 performing the way it is, you know. 23 Q. All right. Do you recall him ever discussing 24 changing any clutches on his vehicles? 25 A. No, sir.</p>

<p style="text-align: right;">86</p> <p>1 Q. Do you ever recall him discussing working on 2 his radiator in any of these vehicles? 3 A. Not that we discussed it, no, sir. 4 Q. Do you recall him ever discussing whether he 5 ever worked on any of his brakes in any of his 6 vehicles? 7 A. Not specifically, no, sir. 8 Q. Okay. So, Mr. Tatem, you can't provide any 9 specific testimony as to whether Mr. Jacobs was ever 10 exposed to any asbestos from ever working on any brake 11 products, can you? 12 A. No, sir, I cannot. 13 MR. BRUGH: Mr. Jacobs -- I'm sorry, Mr. 14 Tatem, those are all the questions I have. 15 THE DEPONENT: Thank you, sir. 16 MR. WEYKAMP: I've got a few questions. 17 Anybody else? 18 19 EXAMINATION 20 21 BY MR. WEYKAMP: 22 Q. Mr. Tatem, I'm going to ask you to look at 23 what's been marked as Exhibit Number 1. You have 24 written on here Westinghouse, G.E. turbine. What do 25 you remember about Westinghouse?</p>	<p style="text-align: right;">88</p> <p>1 time frames of the past, that any of these areas 2 that -- the Westinghouse and the G.E., again, Robert 3 could have very easily have been involved with this 4 type of work to make removals and make access by making 5 these removals to be able to allow the machinists to 6 come in and do their work. Specifically, I don't -- I 7 can't answer. I don't know exactly what you -- 8 MR. JOSS: Let me object to the nonresponsive 9 portion of the answer and also move to strike on the 10 grounds that it's speculation. 11 12 BY MR. WEYKAMP: 13 Q. What you just described in terms of what you 14 did -- 15 A. Yeah. 16 Q. -- with and around turbines, is that 17 something that a person who worked as a sheet metal 18 worker would have been required to do when working down 19 at Norshipco at the time you were down there? 20 MR. JOSS: Objection. Calls for speculation. 21 THE DEPONENT: Are you asking me did Robert 22 Jacobs make removals of interferences to the 23 Westinghouse and the G.E. turbines that could have been 24 on the job? My answer would be, yes, that he very 25 easily could have been and there's a real high</p>
<p style="text-align: right;">87</p> <p>1 A. That -- the reason why I scribbled those 2 notes on there, I was trying to think to myself some of 3 the different people of different types -- not people, 4 some of the manufacturers of the different types of 5 equipment. 6 And I was thinking turbines, and Westinghouse 7 was a name that I remember and G.E. is a name that I 8 remember of equipment that was there on the jobs of -- 9 that we could have very easily have worked on and tore 10 the covering off of the -- or the insulation to get to 11 the sheet metal to open up the different areas that the 12 machinists -- the outside machinists would have needed 13 to get to to access the work to pull the covers. 14 That's just scribbled notes. It's something I was 15 thinking about. 16 MR. JOSS: I'm going to move to strike as 17 speculation. 18 19 BY MR. WEYKAMP: 20 Q. What do you recall, if anything, about what 21 Mr. Jacobs did with regard to working with or around 22 Westinghouse turbines? 23 MS. TURNER: Object to form. 24 THE DEPONENT: It would be the same thing. 25 What I just told you is what I remember doing in the</p>	<p style="text-align: right;">89</p> <p>1 probability that I directed it, but I can't tell you 2 what day or when or exactly that it was Westinghouse or 3 G.E. 4 All I know is that when I went down to a 5 given job and there were specifications, and not 6 necessarily always a specification, because it could 7 have been a commercial contract that you go down in the 8 engine room and a guy that doesn't speak English is 9 trying to tell you, You must fix broken turbine. You 10 make removals. 11 Well, I didn't -- back then you didn't take 12 an insulator with you. You didn't take -- you took an 13 outside machinist, one or two, and a rigger maybe and a 14 sheet metal worker. And anything that was in the way 15 had to be done by those limited guys on the job, and 16 the best you could do to make out with the chief 17 engineer of what he was trying to say. 18 And it may not have been either one of these 19 pieces of equipment, it was a -- another brand. I 20 don't know. But these are the ones I was -- I thought 21 of that I could remember and you had to get the job 22 done with the manpower you had there. So, yeah, the 23 sheet metal workers could have very easily have been 24 the one to make the removals? 25 MR. JOSS: I'm going to object to the</p>

<p style="text-align: right;">90</p> <p>1 nonresponsive and move to strike as well.</p> <p>2 THE DEPONENT: I don't know how to answer.</p> <p>3</p> <p>4 BY MR. WEYKAMP:</p> <p>5 Q. Can you describe what those removals</p> <p>6 involved?</p> <p>7 A. Well, yeah. You would go into the space and</p> <p>8 as you would find out what you were going to be working</p> <p>9 on, there would be some type of covering covering up</p> <p>10 the insulation, hold it in place to dress it up, and</p> <p>11 this stuff was mostly put there for heat barriers. You</p> <p>12 remove the cloth as it was, remove the insulation as it</p> <p>13 was, and this would allow the machinist to access those</p> <p>14 areas to get to work to tear the thing down and make</p> <p>15 the removals.</p> <p>16 Q. What did that insulation you just described</p> <p>17 look like?</p> <p>18 A. Most of the time it seems like it was a white</p> <p>19 block looking stuff, and it was cut to form, probably</p> <p>20 the arcs and sections, segments, if you will, to fit</p> <p>21 around this equipment. All I know is it looked white</p> <p>22 most all the time and/or maybe a little bit of a gray</p> <p>23 look to some of it.</p> <p>24 Q. And when you would remove that, what kind of</p> <p>25 conditions would that create in the air, if any?</p>	<p style="text-align: right;">92</p> <p>1 We used to go up to the dead fleet, you know,</p> <p>2 and work on a given situation like that where you have</p> <p>3 to move everything and then you would take an</p> <p>4 electrician with you, but you still had the limited</p> <p>5 work force of guys, none of them being an insulator to</p> <p>6 make these removals. And that would only happen once</p> <p>7 or twice a year.</p> <p>8</p> <p>9 BY MR. WEYKAMP:</p> <p>10 Q. All right. You mentioned the name Waco. Can</p> <p>11 you describe what you associate with that name, Waco?</p> <p>12 A. Only thing I can tell you about Waco is it</p> <p>13 seemed to me that there was one of the insulation</p> <p>14 companies that would come in after we basically would</p> <p>15 have gotten all the work done, all the removals done</p> <p>16 and everything was trashed and then everything was</p> <p>17 rebuilt and put back together, these guys would come in</p> <p>18 and do the dressing out part of putting insulation or</p> <p>19 whatever around the removal areas for most -- mostly</p> <p>20 for heat protection for the equipment, that type of</p> <p>21 thing. They do the thing, cutting and fitting and all</p> <p>22 the insulation, and then they cloth wrap it and then</p> <p>23 they take this mud looking stuff and dress it all up.</p> <p>24 Q. What did that insulation that you described</p> <p>25 look like that was being put back on?</p>
<p style="text-align: right;">91</p> <p>1 A. Well, you get a bunch of dust type stuff</p> <p>2 flying throughout the space and that type of thing</p> <p>3 because you always had to go back and brush it all up</p> <p>4 and clean it all up and put it in a bucket and leave it</p> <p>5 on the ship most of the time on the commercial jobs.</p> <p>6 Navy jobs you had to put it in a bag and you were</p> <p>7 responsible for getting it off the ship.</p> <p>8 Q. How frequently would -- how frequently would</p> <p>9 you do that type of work with the sheet metal?</p> <p>10 A. Sometimes three or four times in the first</p> <p>11 part of the year and then sometimes not for a couple of</p> <p>12 years. There was no set pattern to make it happen, you</p> <p>13 know.</p> <p>14 Q. And doing that job, how long did it typically</p> <p>15 take to do that job on one turbine?</p> <p>16 A. Anywhere from 15, 20, 30 minutes to an hour</p> <p>17 and a half, depending on what you had to do, what was</p> <p>18 involved.</p> <p>19 Q. When you do -- when you would do one of those</p> <p>20 jobs, how many turbines would you typically do?</p> <p>21 MR. JOSS: Objection. Calls for speculation.</p> <p>22 THE DEPONENT: We generally would limit it to</p> <p>23 the one area for the most part because that's what</p> <p>24 would be down and that's the part you have to be</p> <p>25 working on.</p>	<p style="text-align: right;">93</p> <p>1 A. Again, it was a white looking substance most</p> <p>2 generally all the time. I do remember seeing some of</p> <p>3 the blocking looking -- having a little gray tint to</p> <p>4 it, but for the most part it was always a white</p> <p>5 material.</p> <p>6 Q. When they would apply that, what kind of</p> <p>7 conditions were created in the air, if any?</p> <p>8 A. Well, most of the time with that block work</p> <p>9 and all that it was not -- it was knifed and hand</p> <p>10 sawed, and there would be some dust coming off of it,</p> <p>11 of course. And then for the most part as they would</p> <p>12 cut the cloth and tear it, then there would be a little</p> <p>13 bit of dust and all flying off that cloth that they</p> <p>14 would wrap it up with, and then that mud was no dust or</p> <p>15 anything because it was watered down, whatever they</p> <p>16 were using, and they mud it in and finished it up.</p> <p>17 Q. Is that a process that Mr. Jacobs worked</p> <p>18 around?</p> <p>19 A. Oh, yeah, he would have done the same thing</p> <p>20 that I did many a time and he did it many a times.</p> <p>21 And, of course, as I would assign him those works --</p> <p>22 this is more like when it was in the yard, that type of</p> <p>23 thing, and we did a lot of commercial work. Back in</p> <p>24 that time Norshipco was more like 60 percent commercial</p> <p>25 work and 40 percent government work. So most of it</p>

<p style="text-align: right;">94</p> <p>1 would have been mostly with commercial work and lot of</p> <p>2 this happened in that time frame, those time frames.</p> <p>3 Q. How frequently would you be working around</p> <p>4 Waco contractors doing that kind of insulation?</p> <p>5 A. I don't even know. I couldn't even make a</p> <p>6 guess to be honest, to be fair about it. Could be</p> <p>7 anything from three times in a year to several times,</p> <p>8 you know, depending on just how the workload went,</p> <p>9 because it was a repair yard and you didn't have any</p> <p>10 fixed amount of set work that came in all the time on</p> <p>11 any kind of a schedule. It was just sporadic, and just</p> <p>12 Navy -- ship repair and that's what it is. It's ship</p> <p>13 repair as to opposed to manufacturing new stuff and new</p> <p>14 build like they do at Newport News. They can tell you</p> <p>15 how many jobs, when it's going to be, what kind of --</p> <p>16 when it's repair work it's just whatever shows up that</p> <p>17 has got to be done.</p> <p>18 Q. Now, you mentioned this Shelby-Battersby</p> <p>19 [sic] name as well. What do you associate with that</p> <p>20 name?</p> <p>21 MR. SCHWERTZ: Objection.</p> <p>22 THE DEPONENT: The Shelby-Battersby [sic]</p> <p>23 people, like I said, is like with Staggerwall. I think</p> <p>24 I remember them as the ones doing the terrazzo decking</p> <p>25 and all. And they lined out spaces. Of course, you</p>	<p style="text-align: right;">96</p> <p>1 repeat themselves. Many of the times you just walk</p> <p>2 through there and the powder is flying, like everything</p> <p>3 else with construction going on, people working and</p> <p>4 that was happening.</p> <p>5 Q. When you say they make their pours, what do</p> <p>6 you mean by that?</p> <p>7 A. Well, they have a given area of deck where</p> <p>8 they're going to put this mixture that they just made,</p> <p>9 what is the terrazzo mix itself, and they would pour</p> <p>10 it, you know, out of the buckets into the areas and</p> <p>11 trowel it and square it and block it and then go back</p> <p>12 and make more. It's just like laying a driveway, but</p> <p>13 it's on the ship and it's out of this material.</p> <p>14 Q. Is that a process that Mr. Jacobs would have</p> <p>15 worked around as well?</p> <p>16 MR. SCHWERTZ: Objection to form.</p> <p>17 THE DEPONENT: He would have had to pass in</p> <p>18 these areas, yes, sir. He would be -- him or whoever I</p> <p>19 had with me would be walking right behind me following</p> <p>20 me through the same kind of a situation.</p> <p>21</p> <p>22 BY MR. WEYKAMP:</p> <p>23 Q. And how frequently would this process be done</p> <p>24 on -- on the ships you were working on?</p> <p>25 A. Well, again, it's back to what the demand of</p>
<p style="text-align: right;">95</p> <p>1 couldn't walk in them because some of the ships didn't</p> <p>2 have a given passageway to get to a given space, where</p> <p>3 a lot of times -- like your starboard side and port</p> <p>4 side with this limited space, they do half of it, and</p> <p>5 you have to go through -- to go up to the engine room</p> <p>6 or go down and get access to the engine room or pump</p> <p>7 room or whatever, you'd have to actually go through</p> <p>8 these spaces where they were involved doing their work.</p> <p>9</p> <p>10 BY MR. WEYKAMP:</p> <p>11 Q. Can you describe the work they were doing and</p> <p>12 how they were doing it?</p> <p>13 A. That's what I was talking about a while ago.</p> <p>14 I told him that, and I might have volunteered too much</p> <p>15 information. Again, I'm sorry, but they'd work out of</p> <p>16 like five-gallon buckets, these guys would. And they</p> <p>17 take these white bags of this power stuff, whatever,</p> <p>18 and dump it into the five-gallon bucket, a portion of</p> <p>19 whatever they want to mix, and then they put another</p> <p>20 white looking milky stuff in it and powder -- I mean,</p> <p>21 dust and all would blow up out of it.</p> <p>22 And then they'd take this little electric</p> <p>23 mixer with the paddle on the end of it and they do the</p> <p>24 mixing. And, of course, as it got wet the powder would</p> <p>25 dissipate and then they make the pours and go back and</p>	<p style="text-align: right;">97</p> <p>1 the work was. I mean, it wasn't a fixed time that</p> <p>2 we're going to do this kind of work for the first two</p> <p>3 weeks of every month. That didn't happen. It was just</p> <p>4 as the workload picked up, I guess you might say, and</p> <p>5 these people would show up to do the decking.</p> <p>6 And earlier on they go in and break all this</p> <p>7 stuff out with the air hammers, and dust would be</p> <p>8 everywhere, man, when they were taking the old stuff</p> <p>9 out. And it seemed like the government loved to spend</p> <p>10 money because I didn't see anything with wrong with a</p> <p>11 lot of it. They'd take it and bust it all out and</p> <p>12 change colors. Well, you still got to walk through.</p> <p>13 In that it wasn't blocked off, you just had to walk</p> <p>14 across the deck through the space to get to where</p> <p>15 you're going. You know, hey, how are you doing, you</p> <p>16 know. And they was making a real mess. Dust</p> <p>17 everywhere, I mean, you couldn't see.</p> <p>18 Q. So as I understand what you're saying,</p> <p>19 sometimes when they wanted to lay this material down on</p> <p>20 one side of the ship, they would actually just take</p> <p>21 half of that space --</p> <p>22 A. Correct.</p> <p>23 Q. -- and do half first so people could still</p> <p>24 have access through the ship?</p> <p>25 A. That's absolutely true.</p>

<p style="text-align: right;">98</p> <p>1 MR. WEYKAMP: Those are all the questions I 2 have. Thank you. 3 MR. JOSS: I've got some follow-up. 4 5 EXAMINATION 6 7 BY MR. JOSS: 8 Q. Mr. Tatem, you mentioned when -- Mr. Weykamp 9 was asking you questions about these turbines? 10 A. Yes, sir. 11 Q. Okay. You don't have a specific recollection 12 of Robert Jacobs working on say a G.E. turbine? 13 A. No, sir. I just jotted that down because I 14 was trying to remember turbines and there was another 15 name that's a real popular brand that I can't think of 16 that used to be in -- and they were there. I know 17 there was some Westinghouse, some G.E. 18 Q. Right. 19 A. No, I cannot. No is the answer. 20 Q. You can't tell me any specific ship where Mr. 21 Jacobs may have been aboard that specific ship when 22 G.E. turbines were worked on, is that fair? 23 A. Yes, sir. No, I can't. 24 Q. You can't tell me that Mr. Jacobs was ever 25 exposed to asbestos from a G.E. turbine?</p>	<p style="text-align: right;">100</p> <p>1 2 EXAMINATION 3 4 BY MS. FEHSENFELD: 5 Q. I just have a couple of follow-up questions. 6 You mentioned the insulation was dressed up with mud? 7 A. That's a finished coating of mud that makes 8 it all come together, so to speak, and that way the 9 painters have got something to paint, to clean it up. 10 It's a finished product that they actually make like 11 mud. It's a -- 12 Q. Was it something that came premixed or did 13 they have to mix it? 14 A. Oh, they had to mix it and from -- I don't 15 know exactly what the material was, but they -- same 16 procedures just about as the terrazzo, but in a 17 different situation. They'd mix it in a container, 18 whatever they brought with them, and they put this 19 powder type stuff in there and then they put a chemical 20 mix with it and they'd mix it all up, stir it, 21 whatever, and they actually trowel it on. It looked 22 like an adobe hut, you know, that look, so you get a 23 finished product. And then when it dries, as the ship 24 gets underway, then the crew most probably will paint 25 it so it's got a painted coat on it, it accepts the</p>
<p style="text-align: right;">99</p> <p>1 A. No, I can't. Sorry about it. 2 MR. JOSS: No, that's fine. I just want to 3 make sure you and I understand each other. Thank you. 4 5 EXAMINATION 6 7 BY MS. TURNER: 8 Q. I have just a few questions and they're going 9 to be very similar to Mr. Joss'. As you sit here today 10 you don't have a specific recollection of Mr. Jacobs 11 working on a Westinghouse turbine; is that right? 12 A. No, ma'am. 13 Q. And you can't tell me a specific ship that 14 Mr. Jacobs was working on where a Westinghouse turbine 15 was also being worked on? 16 A. No, ma'am. 17 Q. Okay. And you can't tell me as you sit here 18 today whether Mr. Jacobs was ever exposed to asbestos 19 as a result of a Westinghouse turbine; is that right? 20 A. Well, no is the answer to that because, like 21 I said, I don't know if the asbestos is in this pile or 22 this pile. All I know is it was a white block material 23 and earlier on people say, Was it asbestos? I couldn't 24 tell you, so the answer is no. Sorry. 25 MS. TURNER: Thank you.</p>	<p style="text-align: right;">101</p> <p>1 paint coat. 2 Q. What color was it before -- 3 A. A whiteish, grayish type. 4 Q. Okay. And you don't know who manufactured 5 that or you don't know -- 6 A. Wouldn't have a clue, sorry. 7 Q. And can you say where and when that was 8 happening on -- 9 A. Throughout my career as the whole thing. 10 That's what ship repair is all about. As things come 11 in broke on the ship, then there's no set pattern, the 12 different areas. Today it's this, tomorrow it's the 13 engine room, the next day the Captain's clock don't 14 work, you got to fix it. 15 Q. And how often in a given year maybe? 16 A. I wouldn't even want to speculate a guess for 17 you. I don't have a real clue. I just know it 18 happened, and it just seemed like normal stuff, you 19 know, back then. 20 MS. FEHSENFELD: Okay. That's all I have. 21 22 EXAMINATION 23 24 BY MR. SLAUGHTER: 25 Q. Mr. Tatem, briefly, Mr. Weykamp asked you</p>

<p style="text-align: right;">102</p> <p>1 about Waco and Staggerwall and Shelby-Battersby [sic] 2 on your Exhibit Number 1. 3 A. Uh-huh. 4 Q. Do you recall that, that he just asked you 5 about that? 6 A. Yes, sir. 7 Q. All right. And you talked about some of what 8 Waco -- what you recall Waco doing? 9 A. I just remembered that they were one of the 10 insulators that I was just trying to -- I was 11 scribbling things down to try to think of. Because 12 it's an asbestos issue, I was trying to remember who 13 did insulation back then and that's the only thing I 14 could remember, was the four. I know there was more. 15 Q. You also mentioned a company on here called 16 C. E. Thurston. Is that another insulation contractor? 17 A. Yeah, that was one of the local guys right 18 down here on Colonial. They used to call them in -- 19 later on -- earlier on when the -- when the insulation 20 removals would be made, it would be made by whoever was 21 there to get it done. And then the shop -- the pipe 22 shop would actually do -- go back down and they weren't 23 insulators either. They would do what the boss told 24 them, and they'd put up the insulation and make as good 25 a job of it as they could.</p>	<p style="text-align: right;">104</p> <p>1 little less price-wise so that's the guy they would get 2 because it was contract work and the lower price would 3 usually get the work. Now I think they have to get 4 three estimates before they select one, but back then I 5 think it had something to do with the high prices and 6 who was available for the work. 7 Q. Okay. I'm going to move to strike the 8 nonresponsive portion. 9 You used the word -- and I don't want to 10 quibble with you. You used the word probably a lot in 11 that answer. You don't have any specific knowledge 12 about how that might have happened, do you? 13 A. No, sir, no. 14 Q. Okay. And just to make it clear, you 15 described several things that these contractors did. 16 That was your recollection generally from that period; 17 correct? 18 A. That's right, just what I recall seeing and 19 that was -- yeah. 20 Q. And you don't have any personal knowledge of 21 Mr. Jacobs actually being around C. E. Thurston or Waco 22 when they were doing this particular work, do you? 23 A. Time frame and exact date and -- I wouldn't 24 have a clue. But I know that it was -- it has happened 25 and that he was -- had been with me at different times</p>
<p style="text-align: right;">103</p> <p>1 And as that happened, it evolved into the -- 2 actually setting up an insulation shop. Well, along 3 the way when we didn't have these people to do any of 4 that in our shops, C. E. Thurston would be 5 subcontracted to come in and do the insulation work. 6 And that's just the name I remember, the biggest 7 insulator company that would come in and do the work. 8 Q. Well, let me ask you, you described some of 9 the physical things that you recall Waco perhaps doing 10 with block insulation and so forth. Was that the same 11 kind of work that C. E. Thurston was doing? 12 A. Yes, sir. 13 Q. In your mind do you have any particular 14 recollection of one company or the other doing this 15 work specifically? 16 A. No. The only thing I can give you an answer 17 on that is that most probably C. E. Thurston -- depends 18 on their workload and how they would price it. Waco I 19 think was the smaller of the companies, so I'm thinking 20 that they probably provided a smaller price because 21 Thurston had so much more overhead because Thurston was 22 a right big company in this area. I guess it's still 23 here. I don't know. 24 Because they had a higher overhead, their 25 prices were a little bit higher. Waco was probably a</p>	<p style="text-align: right;">105</p> <p>1 as we'd be going through the ship to a work area of our 2 own that we had to go to, that this would be happening 3 and it was just generally passing through as the work 4 was ongoing and coming back out and back and forth. 5 Q. And as you recall these instances as you 6 described going to and from places and so forth, is 7 there any way for you to differentiate whether the 8 folks you saw working were folks working for C. E. 9 Thurston versus Waco or any other contractor? 10 A. Nothing other than knowing they were with 11 that company. Sometimes they'd have a ball cap on that 12 said C. E. Thurston or a shirt that said C. E. Thurston 13 on the back with their name on it, something to that 14 effect. But as far as knowing exactly, no, sir, you 15 just knew that they were like, That's C. E. Thurston's 16 people. They got to work, so keep your guys away from 17 it, stay off the markings, don't hold the subcontractor 18 up. 19 MR. SLAUGHTER: Mr. Tatem, I believe that's 20 all I have. 21 MS. TURNER: I apologize, I just have a 22 couple more. Paul, do you mind if I have a couple 23 more? 24 MR. WEYKAMP: No. 25</p>

<p style="text-align: right;">106</p> <p>1 2 EXAMINATION 3 4 BY MS. TURNER: 5 Q. Mr. Tatem, fair to say that you don't know 6 the maintenance history of any turbine from which you 7 removed insulation? 8 A. No, ma'am. 9 Q. I guess that was a bad question because I 10 said, Fair to say. So let me ask it this way: You 11 don't know the maintenance history of any turbine from 12 which you removed insulation; right? 13 A. No. Well -- 14 Q. That's correct? 15 A. That's correct. 16 Q. And there's no way for you to know who had 17 installed any of the insulation that you ever removed 18 from a turbine; right? 19 A. That's right, I wouldn't know. 20 Q. And there's no way for you to know who had 21 supplied that insulation that you had removed from any 22 turbine; is that right? 23 A. No, ma'am. 24 Q. That's right? 25 A. That's right.</p>	<p style="text-align: right;">108</p> <p>1 COMMONWEALTH OF VIRGINIA AT LARGE, to wit: 2 3 I, Donna R. Tanner, Court Reporter and a 4 Notary Public for the Commonwealth of Virginia at 5 large, of qualification in the Circuit Court of the 6 City of Virginia Beach, Virginia, and whose commission 7 expires June 30, 2014, do hereby certify that the 8 within named deponent, JAMES TATEM, SR., appeared 9 before me at Norfolk, Virginia, as hereinbefore set 10 forth, and after being first duly sworn by me, was 11 thereupon examined upon his oath by counsel for the 12 respective parties; that his examination was recorded 13 in Stenotype by me and reduced to computer printout 14 under my direction; and that the foregoing constitutes, 15 to the best of my ability, a true, accurate, and 16 complete transcript of such examination. 17 I further certify that pursuant to 18 agreement of counsel and the deponent, reading thereof 19 and signature thereto were expressly waived. 20 I further certify that I am not related to 21 nor otherwise associated with any counsel or party to 22 this proceeding, nor otherwise interested in the event 23 thereof. 24 25 Given under my hand and notarial seal this 26 20th day of December, 2010. _____ Notary Public</p>
<p style="text-align: right;">107</p> <p>1 Q. And is it also correct that you don't know 2 who manufactured any of the insulation that you removed 3 from the turbine? 4 A. That's -- no, I don't. 5 MS. TURNER: That's it. Those are all my 6 questions. I promise. 7 MR. WEYKAMP: We all set? 8 MR. JOSS: You want to advise Mr. Tatem? 9 MR. WEYKAMP: Mr. Tatem, you have a right to 10 read and sign a copy of this transcript where you have 11 to -- they'll give you an errata sheet where you can 12 make changes. 13 THE DEPONENT: I should do that now? 14 MR. WEYKAMP: No, sir, you don't have to do 15 it at all in fact. But this lady will work this into a 16 book form in a couple of weeks. You can either read 17 and sign or you can waive your right to read and sign. 18 You really can't change anything, the substance of 19 anything. 20 THE DEPONENT: No. Everything I said I 21 tried to say it honestly, whatever helped or hurt. 22 MR. WEYKAMP: We'll go ahead and waive. 23 (Whereupon, the deposition was concluded at 24 2:10 p.m.) 25</p>	